

**Board of Nursing:** Lauralee S. Krabill of Sandusky and Patricia A. Sharpnack of Chardon for terms beginning February 26, 2018, and ending December 31, 2021

## **Supplemental Event Planner**

### **Monday, March 5**

One Ohio Now news conference on state data ahead of the State of the State Address, Ladies Gallery, Statehouse, Columbus, 1 p.m.

### **Wednesday, March 7**

Rep. Martin J. Sweeney (D-Cleveland) fundraiser, Dempsey's, 346 S. High St., Columbus, 5:30 p.m., (Marty, We Love You; \$1,000-\$5,000; Best Buddy; \$500; Good Pal; \$100 Friend: \$25 to Friends of Martin J. Sweeney)

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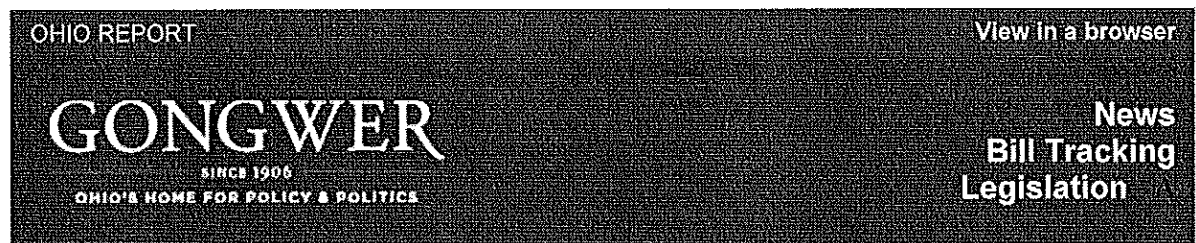
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## OHIO REPORT MONDAY, FEBRUARY 26

**\$2.62 Billion Capital Budget Prioritizes Projects To Address Opiate Addiction, Related Issues**

**Cardinal Health Among Drug Distributors Targeted In Latest DeWine Opioid Suit**

**Nearly \$29M In State IT Funding Clears Controlling Board**

**Adult Charge Stemming From Juvenile Conviction Challenged At High Court**

**Ohio Groups Debate Trump's Short-Term Health Plan Proposal**

**Travel Trailer Maker Tops List Of Tax Credits Issued By State Panel**

**Kasich Declares Emergency As Flood Risks Continue**

**Cyberattack Temporarily Shuts Down State Websites, Phones**

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===== A

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**Senate**

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**Day Planner**

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## Daily Activity Planner for Tuesday, February 27

### Legislative Committees

Senate Transportation, Commerce & Workforce (Committee Record) (Chr. LaRose, F., 466-4823), Finance Hearing Rm., 9:30 a.m.

**HB 159**      **MONTH DESIGNATION** (Riedel, C.) To designate May as "Drive Ohio Byways Month." (1st Hearing-Sponsor)

**HB 195**      **WHEELCHAIR TRANSPORTS** (Ingram, C., Seitz, B.) To modify the provisions concerning the transport of persons who require the use of a wheelchair or other mobility aid in nonemergency circumstances. (3rd Hearing-All testimony-Possible amendments & vote)

**HCR 19**      **HATE GROUPS** (Leland, D., Greenspan, D.) To denounce and oppose the totalitarian impulses, violent terrorism, xenophobic biases, and bigoted ideologies that are promoted by white nationalists and neo-Nazis, to urge law enforcement to recognize white nationalist and neo-Nazi groups as terrorist organizations, and to pursue the criminal elements of these domestic terrorist organizations in the same manner and with the same fervor used to protect the United States from other manifestations of terrorism. (2nd Hearing-Proponent)

**HB 336**      **LICENSE FEES** (Barnes, J., Greenspan, D.) To prohibit the imposition of driver's license and temporary instruction permit reinstatement fees in specified circumstances and to name this act the Reinstatement Fee Amnesty Initiative. (2nd Hearing-Proponent)

**HB 250**      **ELECTRIC BICYCLES** (Brinkman, T.) To establish requirements for the use of electric bicycles. (1st Hearing-Sponsor)

Senate Local Government, Public Safety & Veterans Affairs (Committee Record) (Chr. Uecker, J., 466-8082), South Hearing Rm., 9:45 a.m.

- Confirmation hearing on governor's appointment of Scott Arthur, State Board of Emergency Medical, Fire and Transportation Services

**HB 307**      **MONTH DESIGNATION** (Gonzales, A.) To designate September as "We Card Month." (2nd Hearing-Proponent)

**HB 229**      **DAY DESIGNATION** (Romanchuk, M., Wiggam, S.) To designate February 3 as "Charles Follis Day." (2nd Hearing-Proponent)

**HB 202**      **AWARENESS DAY** (Thompson, A.) To designate the first Saturday of May as "Veterans Suicide Awareness Day." (2nd Hearing-Proponent)

**SB 106**      **SMOKING** (Tavares, C.) To prohibit smoking in a motor vehicle in which a child under six years of age is a passenger. (1st Hearing-Sponsor)

**HB 194**      **LICENSE PLATES** (Johnson, T., Craig, H.) To establish a program for the issuance of special license plates related to military service and awards. (4th Hearing-All testimony-Possible amendments & vote)

House Rules & Reference (Committee Record) (Chr. Rosenberger, C., 466-3506), Rm. 119, 10 a.m.

House Ways & Means (Committee Record) (Chr. Schaffer, T., 466-8100), Rm. 121, 10 a.m.

**SB 226**      **TAX HOLIDAY (Bacon, K.)** To provide for a permanent three-day sales tax "holiday" each August during which sales of clothing and school supplies are exempt from sales and use tax. (1st Hearing-Sponsor)

**SB 22**      **TAX LAWS (Peterson, B.)** To expressly incorporate changes in the Internal Revenue Code since February 14, 2016, into Ohio law. (3rd Hearing-All testimony-Possible amendments, substitute & vote)

**HB 507**      **TAX CREDIT (Gonzales, A.)** To allow a refundable income tax credit for parents of stillborn children. (1st Hearing-Sponsor)

**HB 488**      **TAX LEVIES (Hood, R., Becker, J.)** To modify the information conveyed in election notices and ballot language for property tax levies. (1st Hearing-Sponsor & proponent)

Senate Judiciary (Committee Record) (Chr. Bacon, K., 466-8064), North Hearing Rm., 10:15 a.m.

- Confirmation hearing on governor's appointments of Mark Wasylshyn, Michael Staley, Brian Simms and Jay Beighley, Ohio Private Investigation and Security Services Commission

**SB 66**      **CRIMINAL LAWS (Eklund, J., Tavares, C.)** To modify criminal sentencing and corrections law by including rehabilitation as a purpose of felony sentencing, removing the one-year minimum for presumptive fourth or fifth degree felony community control sanctions, modifying sanctions for a violation of a community control condition, modifying the manner of calculating confinement credits, modifying eligibility criteria and procedures for granting intervention in lieu of conviction, making offenders convicted of certain multiple fourth or fifth degree felonies eligible for conviction record sealing, revising procedures for the Adult Parole Authority to grant a final release or terminate post-release control, and modifying the criteria for considering a prison term sanction for a post-release control violation. (5th Hearing-All testimony-Possible vote)

**SB 231**      **OFFENDER DATABASE (Gardner, R.)** To provide for a violent offender database, require violent offenders to enroll in the database, and name those provisions of the act "Sierah's Law;" to modify the membership and duties of the Ex-Offender Reentry Coalition and eliminate its repeal; to require halfway houses to use the single validated risk assessment tool for adult offenders that the Department of Rehabilitation and Correction has developed; and to provide that the notice of release from prison of specified serious offense offenders that is given to sheriffs is to be the same as that provided to prosecuting attorneys and eliminate the notice to sheriffs regarding pardons, commutations, paroles, and transitional control transfers of offenders. (2nd Hearing-Possible amendments)

- SB 171**      **PROTECTION ORDERS** (Hottinger, J.) To increase the penalty that applies to the offense of violating a protection order under certain circumstances and to require electronic monitoring of those convicted of violating certain protection orders to be carried out by probation agencies. (3rd Hearing-All testimony-Possible amendments)
- SB 195**      **DOGS LAW** (Beagle, B.) To revise provisions of the Dogs Law governing nuisance, dangerous, and vicious dogs, to revise enforcement of that Law, and to establish a notification process regarding complaints of certain violations of that Law. (3rd Hearing-All testimony-Possible amendments)
- SB 244**      **PROSTITUTION** (Dolan, M., Manning, G.) To amend the penalties for promoting prostitution. (2nd Hearing-Proponent)
- House Finance (Committee Record) (Chr. Smith, R., 466-1366), Rm. 313, 11 a.m.
- HB 529**      **CAPITAL APPROPRIATIONS** (Ryan, S.) To make capital appropriations and changes to the law governing capital projects and to make reappropriations for the biennium ending June 30, 2020. (1st Hearing-Sponsor-Pending referral)
- HB 508**      **OHIO CORPS** (Ryan, S., Reineke, B.) To establish the OhioCorps Pilot Project and to make an appropriation. (2nd Hearing-Proponent)
- HB 378**      **BROADBAND GRANTS** (Smith, R., Cera, J.) To create the Ohio Broadband Development Grant Program and to make an appropriation. (5th Hearing-All testimony-Possible substitute)
- House Economic Development, Commerce & Labor (Committee Record) (Chr. Young, R., 644-6074), Rm. 113, 1:30 p.m.
- HB 504**      **INTERIOR DESIGNERS** (Pelanda, D.) Regarding interior designers. (1st Hearing-Sponsor)
- HB 263**      **OUTDOOR DINING AREAS** (Lanese, L.) To generally allow an owner, keeper, or harbinger of a dog to take the dog in an outdoor dining area of a retail food establishment or food service operation. (6th Hearing-All testimony-Possible vote)
- HB 211**      **HOME INSPECTORS** (Hughes, J.) To require the licensure of home inspectors and to create the Ohio Home Inspector Board to regulate the licensure and performance of home inspectors. (5th Hearing-All testimony-Possible vote)
- HB 433**      **VETERINARY EDUCATION** (Kelly, B., Brinkman, T.) To allow a licensed veterinarian to receive up to two continuing education credits per biennium for performing free spaying and neutering services. (2nd Hearing-Proponent)
- House Criminal Justice (Committee Record) (Chr. Manning, N., 644-5076), Rm. 114, 1:30 p.m.
- HB 457**      **DRUG TREATMENT** (Antani, N.) To require that an offender serving a community control sanction or a parolee who fails a drug test for heroin,

fentanyl, or carfentanil be held in jail or admitted to a residential treatment program for up to 30 days. (2nd Hearing-Proponent)

**HB 391** **ECONOMIC LOSSES (Merrin, D.)** To include the cost of accounting done to determine the extent of economic loss as a type of economic loss for which restitution may be granted. (4th Hearing-All testimony-Possible amendments & substitute)

**House State & Local Government (Committee Record) (Chr. Anielski, M., 644-6041), Rm. 017, 2 p.m.**

**HB 454** **CEMETERY LOTS (Patterson, J., Arndt, S.)** To require a township to compensate the owner of certain unused cemetery lots and rights which the township reenters after lack of response from the owner. (5th Hearing-All testimony-Possible vote)

**HR 299** **DRUG USE (Young, R., Ginter, T.)** To recognize the efforts and successes of the faith-based community in supporting and assisting individuals who are suffering from opioid and other drug abuse and addiction. (3rd Hearing-All testimony-Possible vote)

**HB 483** **WEEK DESIGNATION (Patterson, J.)** To designate the second week of October as "Ohio Covered Bridge Week." (2nd Hearing-All testimony)

**HB 484** **HEALTH DISTRICTS (Brenner, A.)** To authorize city and general health districts to use credit cards in accordance with prescribed requirements. (1st Hearing-Sponsor)

**HB 492** **STATE PROCUREMENT (Gonzales, A.)** To establish the women-owned business enterprise program requiring state agencies to establish women-owned business procurement goals. (1st Hearing-Sponsor)

**HB 493** **MINORITY ENTERPRISES (Gonzales, A.)** To authorize the Director of Administrative Services to enter into reciprocal agreements with other states with respect to the certification of minority business enterprises and EDGE business enterprises. (1st Hearing-Sponsor)

**HB 500** **TOWNSHIP LAWS (Carfagna, R.)** To make various changes to township law. (1st Hearing-Sponsor)

**House Government Accountability & Oversight (Committee Record) (Chr. Blessing, L., 466-9091), Rm. 313, 2 p.m.**

- Note time & room change.

**HB 382** **UNEMPLOYMENT COMPENSATION (Schuring, K.)** To modify terms describing payments made under the Unemployment Compensation Law, to increase the amount of wages subject to unemployment compensation premiums, to require qualifying employees to make payments to the Unemployment Compensation Insurance Fund, to allow the Director of Job and Family Services to adjust maximum weekly benefit amounts, to reduce the maximum number of benefit weeks, and to make other changes to the Unemployment Compensation Law. (15th Hearing-All testimony)



- HJR 4**      **UNEMPLOYMENT COMPENSATION (Schuring, K.)** Proposing to enact Section 2t of Article VIII of the Constitution of the State of Ohio to allow the General Assembly to provide by law for the issuance of bonds to pay unemployment compensation benefits when the fund created for that purpose is or will be depleted or to repay outstanding advances made by the federal government to the unemployment compensation program. (15th Hearing-All testimony)
- HB 512**      **EDUCATION DEPARTMENT (Reineke, B.)** To establish the Department of Learning and Achievement; to abolish the Department of Higher Education, the position of the Chancellor of Higher Education, and the Ohio Board of Regents; to transfer, with exceptions, the duties regarding the administration of primary and secondary education programs and all duties regarding the administration of higher education programs to the Department of Learning and Achievement; and to prescribe certain duties regarding educator licensure, community school sponsorship, and other education programs for the State Board of Education, Superintendent of Public Instruction, and Department of Education. (2nd Hearing-Proponent)
- HB 451**      **PUBLIC RECORDS (Retherford, W.)** To exclude from the definition of public record under the Public Records Law any depiction by photograph, film, videotape, or digital, visual, or printed material of victims of crime under specified circumstances dealing with the victims' bodily privacy. (4th Hearing-All testimony-Possible vote)
- SB 223**      **USED TIRES (LaRose, F.)** To prohibit the installation of unsafe used tires on certain motor vehicles. (4th Hearing-All testimony-Possible amendments & vote)
- SB 10**      **PRIMARY ELECTIONS (LaRose, F.)** To expand the circumstances under which a board of elections or the secretary of state is not required to hold a primary election. (3rd Hearing-All testimony-Possible substitute)
- HB 506**      **DOG BREEDERS (Hill, B.)** To revise the law governing high volume dog breeders. (2nd Hearing-Proponent-Possible amendments)
- HB 469**      **TAX CREDIT (Schuring, K., Patton, T.)** To authorize a nonrefundable insurance company tax credit for contributions of capital to transformational mixed use development projects. (2nd Hearing-Proponent)
- HB 489**      **FINANCIAL INSTITUTIONS (Dever, J.)** To provide some regulatory and tax relief to state banks and credit unions, to provide for data analytics to be conducted on publicly available information regarding banks, credit unions, and consumer finance companies, to modify when a creditor can file a claim against an estate, to require registration of mortgage loan servicers, and to require a specified notice be given to a debtor for certain debt collection. (1st Hearing-Sponsor-Possible amendments)
- SB 139**      **LEGAL MATERIALS (Skindell, M., Eklund, J.)** To adopt the Uniform Electronic Legal Material Act. (1st Hearing-Sponsor)

**HB 450**      **HEALTH BENEFITS (Antani, N.)** To impose review and other requirements on existing health insurance mandated benefits and to establish requirements for the creation of new mandated benefits. (2nd Hearing-Proponent)

**HB 342**      **TAX LEVIES (Merrin, D.)** To permit local tax-related proposals to appear only on general and primary election ballots and not on an August special election ballot and to modify the information conveyed in election notices and ballot language for property tax levies. (4th Hearing-All testimony)

Senate Finance (Committee Record) (**Chr. Oelslager, S., 466-0626**), Finance Hearing Rm., 2:30 p.m.

- **Confirmation hearing on governor's appointments of Pamela Mowry, North Central State College Board of Trustees and Jo Ann Davidson and Ranjan Manoranjan, Ohio Casino Control Commission**

**SB 266**      **CAPITAL APPROPRIATIONS (Oelslager, S.)** To make capital appropriations and changes to the law governing capital projects and to make reappropriations for the biennium ending June 30,2020. (Presentation from OBM Director Tim Keen)

**HB 168**      **CEMETERY REGISTRATION (Stein, D.)** To modify duties of the Division of Real Estate in the Department of Commerce regarding cemetery registration, to specify cemetery owners must reasonably maintain cemeteries, to establish the Cemetery Grant Program, and to make an appropriation. (4th Hearing-All testimony-Possible vote)

**HB 251**      **SUBDIVISION INVESTMENTS (Greenspan, D.)** To increase from five to ten years the maturity period of other political subdivision's bonds and obligations eligible for investment of a subdivision's interim moneys, a county's inactive moneys, and money in the county public library fund. (4th Hearing-All testimony-Possible vote)

Senate Health, Human Services & Medicaid (Committee Record) (**Chr. Burke, D., 466-8049**), South Hearing Rm., 3:15 p.m.

**SB 218**      **MEDICAID PROVIDERS (Lehner, P.)** Regarding surety bonds and minimum training for certain Medicaid providers. (1st Hearing-Sponsor-Possible amendments)

**HB 332**      **ANATOMICAL GIFTS (Antani, N.)** Regarding anatomical gifts, transplantation, and discrimination on the basis of disability. (1st Hearing-Sponsor)

**HB 340**      **PUBLIC ASSISTANCE (Young, R.)** Regarding the release of information concerning public and medical assistance recipients. (1st Hearing-Sponsor)

**SB 233**      **COTTAGE FOOD PRODUCTION (Thomas, C.)** To allow a cottage food production operator to use a firebrick oven located on a patio at the operator's residence for purposes of the cottage food production operation (2nd Hearing-Proponent)

**HB 111**      **MENTAL HEALTH COMMITMENTS (Carfagna, R., Ryan, S.)** To authorize certain advanced practice registered nurses to have a person involuntarily

transported to a hospital for a mental health examination. (4th Hearing-All testimony-Possible amendments)

**House Education & Career Readiness** (Committee Record) (Chr. Brenner, A., 644-6711), Rm. 121, 4 p.m.

**HB 502**      **YOUTH SUICIDE** (Anielski, M.) With regard to educator inservice training on youth suicide awareness and prevention in public schools. (1st Hearing-Sponsor)

**HB 503**      **YOUTH SUICIDE** (Anielski, M.) With regard to educator inservice training on youth suicide awareness and prevention in private schools. (1st Hearing-Sponsor)

**HB 318**      **SCHOOL RESOURCE OFFICERS** (Patterson, J., LaTourette, S.) To define the necessary qualifications and responsibilities of school resource officers. (3rd Hearing-All testimony-Possible substitute & vote)

**HB 428**      **STUDENT EXPRESSION** (Ginter, T., LaTourette, S.) Regarding student religious expression and to entitle the act the "Ohio Student Religious Liberties Act of 2018." (3rd Hearing-Opponent)

**HB 491**      **EDUCATION LICENSE** (Edwards, J.) To require the State Board of Education to issue a substitute license to specified pupil services personnel. (2nd Hearing-All testimony)

**HB 360**      **BULLYING** (Greenspan, D.) To enact the "Ohio Anti-Bullying and Hazing Act" with regard to school discipline and bullying and hazing policies at public schools and public colleges. (4th Hearing-Possible substitute)

**Senate Government Oversight & Reform** (Committee Record) (Chr. Coley, B., 466-8072), Finance Hearing Rm., 4 p.m.

**SR 342**      **COLUMBUS CREW** (Kunze, S.) To urge the investor-operator and chairperson of Columbus Crew Soccer Club to keep the franchise in Columbus. (2nd Hearing-All testimony-Possible vote)

**SB 221**      **AGENCY RULEMAKING** (Uecker, J.) To reform agency rule-making and legislative review thereof. (3rd Hearing-Opponent-Possible amendments)

**HB 226**      **FIREWORKS** (Seitz, B., Sweeney, M.) To establish a fireworks study group to review and make recommendations regarding the Fireworks Law, to extend to July 1, 2020, the moratorium on issuing fireworks manufacturer and wholesaler licenses, to eliminate, beginning January 1, 2021, the moratorium on geographic transfer of fireworks manufacturer and wholesaler licenses, and, beginning July 1, 2020, to impose a fee on the retail sale of consumer grade fireworks in this state and to expand the ability of individuals to obtain 1.3G display fireworks and obtain and use 1.4G consumer fireworks. (2nd Hearing-Proponent)

**SB 239**      **REGIONAL GOVERNMENT COUNCILS** (Dolan, M.) To modify the law concerning regional councils of governments. (3rd Hearing-Opponent)

**Agency Calendar**

Board of Building Appeals, Division of Industrial Compliance, 6606 Tussing Road,  
Training Room 1, Reynoldsburg, 8:30 a.m.

## **Event Planner**

State Auditor Dave Yost and GOP lawmakers news conference on Medicaid compliance, Press Briefing Rm., Statehouse, Columbus, 10 a.m.

Ohio Lobbying Association Annual Meeting & Legislative Reception, Sheraton Columbus at Capital Square, 75 E. State St., Columbus, 4 p.m., (4:00 pm - Annual Meeting for OLA Members; 5:00 pm - Legislative Reception. More info and to register: [http://bit.ly/2018\\_OLA\\_AM](http://bit.ly/2018_OLA_AM))

Rep. Glenn Holmes (D-McDonald) fundraiser, Westies Gastropub, 940 S. Front Street, Columbus, 5:30 p.m., (Sponsor \$1,000, Host \$500, Friend \$250 to Committee to Elect Glenn Holmes. RSVP with Jenna Gravalis at 551-427-9895 or [jgravalis@ohiodems.org](mailto:jgravalis@ohiodems.org))

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## Senate Activity for Monday, February 26, 2018

### INTRODUCED

**SB 266** ■ **CAPITAL APPROPRIATIONS (Oelslager, S.)** To make capital appropriations and changes to the law governing capital projects and to make reappropriations for the biennium ending June 30, 2020.

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**SB 267** ■ **SOLICITING (Brown, E., Kunze, S.)** To increase the penalty for soliciting when the person solicited is eighteen years of age or older, to specify that the fine for soliciting in this circumstance is not more than two thousand five hundred dollars, and to specify that up to one thousand dollars of that fine may be deposited into the Victims of Human Trafficking Fund. Am. 2907.24 and 5101.87

### SENATE PRESIDENT'S APPOINTMENTS

Joint Education Oversight Committee: Senator Gayle Manning as chair .

### DELIVERED TO THE GOVERNOR

**SB 144** ■ **DISABILITIES COUNCIL (Burke, D.)** To abolish the Opportunities for Ohioans with Disabilities Commission, Consumer Advisory Committee, and Governor's Council on People with Disabilities; to establish a state rehabilitation services council known as the Opportunities for Ohioans with Disabilities Council; and to restore staggered terms of office for the employee members representing firefighters on the board of trustees of the Ohio Police and Fire Pension Fund.

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## House Activity for Monday, February 26, 2018

### INTRODUCED

**HB 526** ■ **SCHOOL SAFETY** (DeVitis, T., Sweeney, M.) To authorize a public or chartered nonpublic school to enter into an agreement with a volunteer law enforcement officer to patrol school premises to prevent or respond to a mass casualty event, to provide the parties with a qualified immunity from civil liability, and to provide a tax credit for volunteer service. Am. 5747.08 and 5747.98 and to enact sections 3313.94 and 5747.64

**HB 527** ■ **VISITATION RIGHTS** (LaTourette, S.) To allow certain specified persons to petition the probate court for reasonable visitation with an incompetent or ward if visitation between the person and the incompetent or ward has been interfered with or denied. Am. 2111.132

**HB 528** ■ **CORPSE ABUSE** (Smith, R., Rezabek, J.) To expand the penalties for abuse of corpse offenses. Am. 2927.01 and 2929.13

**HB 529** ■ **CAPITAL APPROPRIATIONS** (Ryan, S.) To make capital appropriations and changes to the law governing capital projects and to make reappropriations for the biennium ending June 30, 2020. Am. 164.05  
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### HOUSE SPEAKER'S APPOINTMENTS

Insurance Committee: Remove Representative LaTourette; appoint Representative Lang.

### DELIVERED TO THE GOVERNOR

**HB 45** ■ **MONTH DESIGNATION** (Sprague, R.) To designate May as "Neurofibromatosis Awareness Month."

**HB 79** ■ **FIREARMS TRAINING** (Retherford, W., Hagan, C.) To provide for firearms training for tactical medical professionals; to permit such a professional who has received that training and has been authorized by the law enforcement

agency to carry firearms while on duty; and to grant such a professional the same right to carry a concealed handgun in this state as a concealed handgun licensee.

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**Volume #87, Report #38 -- Monday, February 26, 2018**

**\$2.62 Billion Capital Budget Prioritizes Projects To Address Opiate Addiction, Related Issues**

The General Assembly is doubling its prior financial commitments for behavioral and mental health infrastructure in the capital appropriations budget that was introduced Monday.

The bill includes \$2.62 billion in new spending on bricks-and-mortar projects as well as a yet-to-be-disclosed amount of reappropriations for ongoing capital projects approved in prior biennia. The bill covers spending in Fiscal Years 2019-2020.

Companion House and Senate measures (HB 529 & SB 266) allocate \$222 million for health and human services, developmental disabilities, mental health, addiction treatment and women's health initiative facilities over the next two fiscal years.

The fast-tracked budget, which will receive first hearings in both chambers on Tuesday, also includes \$150 million in community projects - \$20 million more than the original funding target - \$600 million for school facilities, \$514 million for local infrastructure projects and \$483 million for public colleges and universities.

The state will issue bonds to fund the spending.

The expanded health and human services support funding was added in response to the growing impact of the opiate epidemic, Senate President Larry Obhof (R-Medina) said.

"So where in the prior budgets you may have seen a few of these pop up, I think it's on the minds of a lot of people and we all recognize that these are some of the more important issues facing the state of Ohio and these are some of the things we chose to prioritize."

Some of the projects set to receive a chunk of the \$222 million are Alvis House and Maryhaven in Columbus, President Obhof said. The respective \$300,000 and \$125,000 projects would add about 260 additional treatment beds for addicts in Franklin County.

"We see these things throughout the state and not just in Franklin County, in Cuyahoga and Hamilton counties but in some of rural areas as well," Sen. Obhof said. "There are number of requests that are being funded from members throughout the state of Ohio for things like that."

Of the total allocation for such infrastructure plans, \$20 million will be provided through competitive grants, which were proposed by Gov. John Kasich. (See Gongwer Ohio Report, February 12, 2018)

So-called community resiliency projects that focus on expanding spaces for youth programming would receive the funding, said Senate Finance Committee Chairman Scott Oelslager (R-N. Canton). The Department of Mental Health and Addiction Services and local groups will likely select the recipients.

"We recognize the need there and listened very carefully to the community," he said of the funding dedicated to combatting the opiate epidemic and related issues.

While that area of the budget saw a boost, overall capital appropriations shrunk by about \$10 million from the last budget, Sen. Obhof said. He's hopeful, however, that it will have a similar reach.

"We think that due to sound fiscal management and the hard work we put in in the main operating budget last year, we do have the capacity for the bonding and the funding of various projects throughout the state that you see in the bill," he told reporters after the legislation was introduced.

Leaders of both parties in each chamber worked together to iron out the details prior to the measure's introduction Monday, making it ripe for quick passage.

President Obhof said he expects a Senate vote on the House version - which will serve as the vehicle for the budget - in the week before spring break, which is set to begin in late March.

Local projects were brought forward by individual members for consideration while community colleges and universities created their own priority funding packages. (See Gongwer Ohio Report, November 22, 2017)

"This capital budget will give the legislature a tremendous opportunity to address several infrastructure and construction projects that will generate a positive return on investment for communities all across the state," Speaker Cliff Rosenberger (R-Clarksville) said in a statement. "I want to commend the members of the legislature and local leaders for their collaboration and commitment to helping improve the lives of so many Ohioans through this legislation."

The capital budget has historically drawn bipartisan support as lawmakers look to support money funneled to projects in their communities. That trend is expected to continue this year.

"As legislators, we review capital budget applications, meet with individuals and organizations and visit project sites. You can't help but become passionate about what we can do to invest in Ohio's infrastructure and improve the community," Senate Minority Leader Kenny Yuko (D-Richmond Heights) said. "Although it's unfortunate that we can't fund every much-needed community project that comes to our attention, I am happy with the progress that will be made through the capital budget."

If the capital bill process follows those of prior years, no major changes will occur during deliberations unless there are problems with the bill. The last several capital budgets passed with few if any amendments once they were introduced.

### **Cardinal Health Among Drug Distributors Targeted In Latest DeWine Opioid Suit**

Attorney General Mike DeWine on Monday announced that he has filed a lawsuit against four drug distributors for their role in the opioid epidemic.

The lawsuit, filed in Madison County Common Pleas Court, alleges that the drug distributors were negligent in over-supplying addictive opioid prescription drugs.

"We believe the evidence will show that these companies ignored their duties as drug distributors to ensure that opioids were not being diverted for improper use. They knew the amount of opioids allowed to flow into Ohio far exceeded what could be consumed for medically-necessary purposes, but they did nothing to stop it," AG Mike DeWine said in a statement.

"And much like the drug manufacturers who continue to fail to do the right thing, these distributors are doing precious little to take responsibility for their actions and help pay for the damage they have caused."

Named in the lawsuit are McKesson Corporation, Cardinal Health and its subsidiaries, AmerisourceBergen Drug Corporation and Miami-Luken, Inc.

Cardinal Health in a statement said it has been cooperating to "alleviate the public health crisis and save lives" though a multi-state effort led by 40 attorneys general and a multi-jurisdictional effort in Cleveland.

"We are extremely disappointed that Attorney General DeWine chose to go outside of these established processes at this critical moment in time to file this unfounded lawsuit," the company said in a statement.

The company went on to say that it cares deeply about the opioid epidemic and that there must be work toward meaningful solutions.

"This is why we launched our Opioid Action Program which augments our substantial efforts to combat opioid abuse and is providing funds and support for take back efforts, Narcan giveaways for first responders, and grants for communities looking to find holistic solutions to this public health issue throughout Ohio," it said.

"Cardinal Health has made a significant investment in state-of-the-art controls to effectively combat the diversion of pain medications from legitimate uses. We believe this kind of effort and investment, and not baseless litigation, is the way to alleviate this problem."

The lawsuit alleges that the companies fueled the opioid epidemic by distributing enough of the drugs to fill more than 11.8 million prescriptions from 2011 to 2016, amounting to dosages that averaged more than 739 million each year.

The drug epidemic has resulted in annual damages in excess of \$1 billion, the lawsuit alleges. Those costs include medical care; treatment for infants born with opioid-related medical conditions; public safety measures; substance abuse prevention; and welfare and social services for the children of addicted parents.

The lawsuit also alleges that more than 7,000 Ohioans have died due to the opioid crisis.

The companies "have supplied and continue to supply quantities of prescription opioids in and around Ohio without taking proper measures based on their actual or constructive knowledge that individuals were consuming opioids for non-medical purposes," the lawsuit reads.

Among the remedies Mr. DeWine is seeking are punitive and compensatory damages.

This marks the second lawsuit the AG has filed against drug companies over the opioid crisis. (See Gongwer Ohio Report, May 31, 2017)

### **Nearly \$29M In State IT Funding Clears Controlling Board**

Controlling Board members Monday approved more funding for state information technology projects after raising questions about performance-based contracts and the state's savings from consolidating services.

The requests from the Department of Administrative Services included one worth nearly \$24.8 million for the state's main IT services delivery line item, which has increased over the years due to the consolidation, DAS Chief Financial Officer Jennifer Leymaster told the board.

The other request, for \$4.4 million, dealt specifically with a pair of projects involving nine agencies, she said.

Rep. Scott Ryan (R-Newark) asked if the state's IT contracts have performance clauses for the timing of delivery or for the accountability of functions.

The request Monday didn't deal with specific contracts, just the appropriation changes needed to cover contract costs, Ms. Leymaster said.

"We'd be happy to see if individual contracts have the type of controls that you're asking about," she said.

Ms. Leymaster told Sen. Charleta B. Tavares (D-Columbus) that the projects are part of a broader optimization project that has saved the state more than \$160 million since its inception.

The board also approved two significant funding requests from the Development Services Agency to support affordable housing after Sen. Bill Coley (R-Liberty Twp.) asked about cost containment measures and access for people with disabilities.

The requests included \$13.6 million for the Ohio Housing Finance Agency to administer the Housing Development Assistance Program, and \$5.5 million for housing assistance programs across the state.

Kelan Craig, director of planning, preservation and development at the Ohio Housing Finance Agency, said the administration has worked to ensure projects are done effectively at low cost.

As for accessibility for people with disabilities, there are specific requirements for projects targeted at seniors and for permanent supportive housing developments, but not for standard affordable housing, he said.

"Let's just watch that and make sure we don't have a problem with that," Sen. Coley said.

A request by the Department of Mental Health and Addiction Services for \$1.1 million to replace the emergency generator at Appalachian Behavioral Healthcare in Athens was approved after Sen. Coley asked about the hospital's involvement in plans to participate in peak demand emergency programs.

Stephen Wilson, legislative liaison for ODMHAS, said the state found it would only save a couple thousand dollars to participate in the utility's peak demand program, while placing strict requirements on hospital staff.

Sen. Coley said the programs can help other facilities, such as industries and schools, when the power goes down.

"Hospitals around the state are finding great benefits to these programs," he said.

In total, the board approved 82 requests for funding.

Other items approved included: (Agenda)

- \$2.9 million - Central State University - for repair and modernization of the Hallie Q. Brown Memorial Library.
- \$11.7 million - Cleveland State University - to contract for an addition project at Fenn Hall.

- \$1.9 million - Cuyahoga Community College - to buy 12.82 acres of real estate in Euclid for the expansion of the Transportation, Distribution and Logistics Academy.
- \$1 million - Adjutant General's Department - for masonry renovation and HVAC work at the Hamilton Readiness Center in Butler County.
- \$4.6 million - DAS - for administration of the Multi-Agency Radio Communication System.
- \$2.3 million - Department of Agriculture - for lab supplies and equipment.
- \$1.1 million - Department of Mental Health & Addiction Services - for emergency generator replacement at Appalachian Behavioral Healthcare in Athens.
- \$1.6 million - Bureau of Motor Vehicles - for federal grants to purchase and install document scanners and update existing computer systems to confirm commercial driver's license applicants provided proof of citizenship or permanent residency.
- \$10.5 million - Facilities Construction Commission - for master facilities plan amendments from Elida Local School District and Bloom-Carroll Local School District.

### **Adult Charge Stemming From Juvenile Conviction Challenged At High Court**

Can a juvenile adjudication be used to satisfy an element of a crime committed as an adult?

Anthony Carnes will argue that it can't in a case the Ohio Supreme Court is set to hear Tuesday.

Mr. Carnes was charged with a third-degree felony offense of weapon-under-disability based on a 1994 juvenile adjudication. He moved to have the charge dismissed, but the trial court denied his motion.

The First District Court of Appeals upheld the trial court's decision. But Mr. Carnes argued that both court erred in their decisions.

"Simply put, juvenile adjudications are not criminal convictions and should not be viewed as such. This conclusion is reinforced by the fact that Ohio's juvenile system uses two different approaches, one mandatory and one discretionary, to transfer its most severe offenders into the adult system, and has a process to include an adult sentence with a juvenile rehabilitation for the next most serious level of offenders," his merit brief reads.

"In line with that approach, this court has prohibited juvenile adjudications from increasing punishment for subsequent adult conduct. Given that framework, it is incongruous for such adjudications to be permitted to turn what would otherwise be lawful conduct into a crime. Thus, a juvenile adjudication should not be deemed to meet an element of an offense charged against an adult."

The Juvenile Law Center and the Buckeye Firearms Association both weighed in on the case on behalf of Mr. Carnes.

"Individuals with Ohio juvenile adjudications do not fit into the long standing prohibition on the possession of firearms by felons because they simply are not felons by definition," the BFA wrote in its amicus brief.

The state, however, argues that a juvenile adjudication cannot be used to enhance a penalty, but it can be used as an element of a crime. The state also contends that if the court were to side with Mr. Carnes it would gut the state's law prohibiting the possession of a weapon under disability.

Under the law, "there are multiple means of being placed under a disability that do not include the right to a jury trial: being a fugitive from justice, being under indictment for a felony offense of violence, being under indictment for a felony drug offense, being drug dependent or in danger of drug dependence, being a chronic alcoholic, and being adjudicated mentally incompetent. Just as is the case with a juvenile adjudication, none of those situations carries a right to a jury trial - state," the state writes.

The Cuyahoga County Prosecutor's Office has also asked the court to affirm the First District ruling.

"Persons who commit violent felony offenses are considered bad risks who should not be allowed to legally possess a firearm. The fact that a person who commits the violent felony offense as a juvenile does not make that person any less of a bad risk," it wrote in an amicus brief.

"But Ohio's weapons disability law recognizes that people can turn their lives around and become law-abiding citizens after committing a single indiscretion or even after committing a series of crimes decades ago. That person can legally possess a firearm after following the appropriate statutory remedy; but until that time, the person should not be able to possess a firearm under Ohio law."

Three district court judges will be involved in the case because Justice Sharron Kennedy, Justice Patrick Fischer and Justice Patrick DeWine have recused themselves.

Justice DeWine concurred in judgement only with the First District's opinion upholding the trial court's decision to deny the motion to dismiss the charge.

The high court is set to hear two other cases Tuesday, it reported:

- In *Ohio Bureau of Workers' Compensation v. Cirino*, it will hear a case involving a Bureau of Workers' compensation beneficiary challenging the electronic payment program because he is charged fees by his bank. The state argues the case must be filed in the Court of Claims.
- A Columbus attorney is facing a six-month stayed suspension for failure to keep and maintain required financial records in the case of *Columbus Bar Association v. Keating*.

### **Ohio Groups Debate Trump's Short-Term Health Plan Proposal**

A Trump administration proposal to expand options for short-term health insurance is designed to give consumers more options in the marketplace without the regulatory burden of current plans.

Opponents say it could lead to more limited coverage and raise premiums for people on standard exchange plans.

The proposal by the federal Centers for Medicare and Medicaid Services, announced last week, would allow short-term, limited-duration health insurance plans to provide coverage for up to 12 months, up from the current maximum of three months.

These plans are not required to meet the federal requirements for individual health insurance, such as providing essential health benefits or coverage for people with pre-existing conditions.

"In a market that is experiencing double-digit rate increases, allowing short-term, limited-duration insurance to cover longer periods gives Americans options and could be the difference between someone getting coverage or going without coverage at all," CMS Administrator Seema Verma said in a statement.

In Ohio, the move will provide more competition in the marketplace for health insurance, said Greg Lawson, research fellow at the Buckeye Institute.

"It's not going to be a perfect fit for everybody, but for those individuals that it works for, this could be something that could work for you, and it would be a cheaper alternative than being forced into the exchange," he said in an interview.

Critics say the change will erode coverage for people who sign up for the short-term plans and drive up premiums for those who need the more comprehensive coverage of Affordable Care Act-compliant plans.

"These short-term plans are likely to be harmful in the long run," said Steven Wagner, executive director of UHCAN Ohio. "Since they may lack meaningful coverage, people may find that their health care costs are not covered or face substantial out of pocket costs. These plans are a step in the wrong direction."



A report by the Urban Institute estimated the change would lead to an increase of 2.5 million people without minimum essential health care coverage by 2019, and an increase of 18.2% in 2019 premiums for ACA-compliant nongroup insurance plans.

The changes would allow people to shop around for the coverage they want, Mr. Lawson said. The Buckeye Institute and others have criticized the ACA exchanges for placing burdensome regulations on insurers and raising premiums.

"In general, what this will allow is you can have more barebones type policies that are more affordable," he said. "I don't think this is necessarily the pathway that we would prefer to see on a permanent basis but given the fact that the affordable care act is still the law of the land, this does give some breathing space."

Mr. Wagner said those requirements ensure people have comprehensive insurance coverage. He called the latest change part of an effort to eliminate coverage requirements created under the ACA.

"The Trump Administration is eating away at the foundations of health care coverage like termites in the foundation," he said. "This change along w the ability to alter the essential health benefits weakens people's access to quality affordable health care."

#### **Travel Trailer Maker Tops List Of Tax Credits Issued By State Panel**

The Tax Credit Authority on Monday approved incentives for four projects that promise to create a total of 475 jobs and retain another 1,405 positions, the Development Services Agency reported.

The \$2.81 million in tax credits, an estimate that depends on the companies meeting their hiring goals and other criteria, are projected to help trigger \$41 million in investments and result in more than \$24 million in new payroll, according to the state.

Topping the list in terms of impacted jobs and tax credit value is the \$2.325 million incentive for **Airstream, Inc.** in the Village of Jackson Center in Shelby County.

The designer and manufacturer of travel trailers and touring coaches expects to create 280 full-time positions generating \$14.8 million in new payroll while retaining \$57.2 million in payroll with its expansion project. The TCA approved a 1.874%, nine-year Job Creation Tax Credit for the plans.

The other approved projects (estimated tax credit values) are:

**Sedgwick Claims Management Services, Inc.** of Hilliard (Franklin Co.). The provider of claims, productivity, managed care, risk consulting and other services expects to create 109 full-time positions generating \$4.3 million in new payroll while retaining \$13.4 million in payroll. The expansion plans attracted a tax credit of 1.31% over seven years (\$400,000).

**Veeva Systems Inc.** of Dublin (Franklin Co.) plans 46 new jobs, \$3.5 million in new payroll and the retention of \$2.1 million in payroll with its expansion. TCA awarded a 1.62%, seven-year tax credit for the project (\$355,000).

**Modular Assembly Innovations LLC** of Allen Township (Union Co.), which plans 40 new jobs, \$1.4 million in new payroll and the retention of \$7.6 million in payroll. The provider of manufacturing and modular assembly services to the automotive industry was awarded a 1.055%, six-year JCTC (\$90,000).

### **Kasich Declares Emergency As Flood Risks Continue**

Two days after Gov. John Kasich declared a state of emergency in 17 counties, areas of Ohio are continuing to grapple with flooding.

On Saturday, the governor issued his emergency declaration in the face of flooding - particularly along the Ohio River, which was expected to crest Monday.

Although rains have stopped, flood waters linger in some areas, closing roads and posing ongoing safety risks. The National Weather Service has said flood warnings are expected to persist for several more days in the central U.S. as "numerous river systems will remain in flood stage this week."

"As the weather and flooding is expected to get worse we're staying ahead of things by taking our readiness up to the next level and declaring an emergency where we expect the worst conditions," Gov. Kasich said over the weekend. "We'll quickly add to those areas as it's needed."

Counties affected by the proclamation include: Adams, Athens, Belmont, Brown, Clermont, Columbiana, Gallia, Hamilton, Hocking, Jackson, Jefferson, Lawrence, Monroe, Meigs, Muskingum, Scioto and Washington.

The state's Emergency Operations Center had been preparing for this round of flooding since at least Feb. 18. That's the day the Ohio EMA Watch Office began providing regular awareness reports multiple times a day to state, local and federal agencies.

In recent days meals have been provided to the elderly by the Department of Aging, emergency management liaisons have been dispatched to assist county-level operations centers, and swift water rescue teams have been positioned.

"Ohioans do a good job of looking out for each other and we're doing it again now also," Gov. Kasich said. "Teams at the local level are hard at work and state teams have been coordinating with them and supporting them over the past week."

Following the Kasich order, the EMA transitioned from assessment and monitoring to partial activation and the state's Joint Information Center was opened. That followed Ohio National Guard deployments to help install flood gates and a flood wall in Scioto County.

In recent days, state entities have assisted in providing sand bags and a water pump to communities in Lawrence County. A major rockslide on Monday closed a portion of a highway in that county, according to the Ohio Department of Transportation. State geologists were on the scene.

"I urge people to stay safe by staying informed, not taking any chances and checking in on your neighbors, especially seniors and families with young kids," the governor said. "Call your local city, county or Red Cross if there's anyone who needs help. We'll get through this as we always do, by working together."

At the same time, Attorney General Mike DeWine has issued several tips to steer residents away from flood-related scams that may arise.

"As people across Ohio assess the damage and start the clean-up process, we're reminding consumers to beware of scams," Mr. DeWine said. "Some con artists travel to affected communities to take advantage of people. They offer to help, but once they get your money, they're gone. After the flooding, we also could start to see flood-damaged vehicles entering the market. We just warn people to be careful."

### **Cyberattack Temporarily Shuts Down State Websites, Phones**

The Department of Administrative Services is making modifications after a cyberattack blocked state websites and phone systems for multiple hours Sunday evening.

DAS spokesman Tom Hoyt said the attack was launched shortly after 5:30 p.m. Sunday and "was addressed quickly and remediated at approximately 9:50 p.m."

"It was not a breach - no personal information was compromised," Mr. Hoyt said.

Several accounts seemingly affiliated with the so-called "hacktivist" group Anonymous appear to be taking credit for the attack on social media. Anonymous-linked users posted screenshots showing error pages that appeared when trying to access state websites.

The attack was a denial-of-service attack, which is a concerted effort in which users bombard a targeted system with requests, thereby overloading and disabling it for legitimate users.

"The attack itself was educational in the sense that we now know how this type of attack is done and we can put in filters and prepare to help us be ready if it happens again," Mr. Hoyt said. This is the first time DAS has grappled with this specific method of a denial-of-service attack.

"These types of attacks can be done in different ways so we're aware of them and prepare for them," Mr. Hoyt said. "This was conducted in a different way, but once you go through that, you learn how it's done and we can prepare for the next time."

It's not the first time the state has been faced with a cyberattack.

Nearly a dozen state websites were impacted last year after hackers posted pro-ISIS messages on state homepages. That "internet graffiti-style" attack, however, was believed to be surface-level in nature with hackers not accessing the state's servers. (See Gongwer Ohio Report, June 26, 2017)

### **Environmental Group Calls For Setback, Chemical Reporting Changes Following Well Fire**

The Ohio Environmental Council is pointing to a Feb. 15 explosion and fire at a Belmont County oil well as new evidence pointing to the need for increased well setbacks.

But a leading oil and gas group is accusing the council of seeking to block industry development with its latest call for new legislation.

A horizontal well operated by XTO caught fire earlier this month, causing explosions and leading to the evacuation of residents within a one mile perimeter as the well continued to leak methane and other gasses.

XTO has said it has contracted with various companies to monitor the area and oversee cleanup operations. It has also paid to house 100 households who were displaced. Those residing beyond a half mile from the site have since been moved back into their homes.

The OEC said the incident is a "wake up call" demonstrating a need to strengthen Ohio's current law requiring horizontal wells to be located at least 100 feet from rural homes.

"What this incident demonstrates is that Ohio's current setback laws for horizontal oil and gas wells are clearly insufficient and do very little to protect communities from this new wave of oil and gas development," said Melanie Houston, director of climate programs at the Ohio Environmental Council. "Given the frequency of horizontal well pad incidents in Ohio over the past five years, it is past time for Ohio lawmakers to reconsider a safer setback distance."

The group said the incident also shows the need to examine laws requiring well operators to disclose hazardous chemicals to emergency responders. That debate was a point of contention during budget talks last year. (See Gongwer Ohio Report, April 14, 2017)

"State lawmakers also must close the chemical reporting loophole in Ohio law to make sure that first responders such as those responding to last week's incident can get the full accounting of chemical identities during oil and gas emergencies," Ms. Houston said.

The Ohio Oil and Gas Association, however, said 2012 legislation in that arena "created one of the most stringent regulatory programs for chemical disclosure in the nation."

That bill (SB315, 129th General Assembly) was a far-reaching energy mid-biennium review measure that strengthened requirements. But Democrats and environmental groups at the time said it didn't go far enough with its chemical disclosure provisions. (See Gongwer Ohio Report, May 24, 2012)

"The bill required chemical disclosure to all first responders, providing access to the information that they need and allowed (the Ohio Department of Natural Resources) to ask for additional chemical information when there is an incident," said Matt Hammond, OOGA's senior vice president.

As far as the idea of increased setbacks, the organization accused OEC and its allies of attempting to use a setback increase to snuff out oil and gas development.

"We have all heard the calls for increased setback distances since 2003 and found that environmental groups have supported setback distances for the sole purpose to offend the property rights of landowners and effectively block oil and gas development," Mr. Hammond said.

#### **Schiavoni, Williams Plan Firearm Removal Bill; Yost Unveils School Safety Plan; High Court Hears Janus Case; Kucinich Continues Gun Push...**

Sen. Joe Schiavoni (D-Boardman) and Sen. Sandra Williams (D-Cleveland) on Monday announced their intention to introduce a bill allowing for the removal of firearms from people deemed to be an imminent danger to themselves or others.

The proposal would establish an Extreme Risk Protection Order that would allow family or law enforcement to ask a court to temporarily remove firearms for up to one year.

"Family members are often the first to know when a loved one starts showing signs that they're dangerous to themselves or people around them," Sen. Schiavoni, a Democratic gubernatorial candidate, said in a statement. "Sadly, there aren't many options available to be proactive, remove weapons and prevent those moments from becoming tragedies. This bill is common sense. It provides a clear process when loved ones notice those red flags."

Five other states have similar laws. In announcing the intention to introduce the measure, the lawmakers cited Gov. John Kasich, who in a recent television interview expressed support for ERPOs.

"I am pleased to see the conversation turn and the mood shift toward sensible gun safety measures in Ohio," Sen. Williams said. "I'm also pleased to see Gov. Kasich supporting efforts to combat gun violence. We know how to reduce gun violence in America while still respecting the Second Amendment. This bill is a step forward in that direction."

**School Safety:** State Auditor Dave Yost on Monday rolled out a three-point school safety plan centered on securing buildings.

The attorney general hopeful's plan calls for a statewide inventory of security measures at all 5,200 school buildings across the state and a bond-backed program to modify them to create a single point of entry, install electronic zoned locking systems and add video cameras.

The final piece of the plan calls for the establishment of a training program for school staff volunteers with prior military or law enforcement experience.

"We need to protect our kids at school at least as well as we protect our politicians at work," Auditor Yost said in a statement. "This program takes the same proven tactics and technology we use in government offices-and many private businesses-and puts them to work in our schools, where our greatest treasures are."

**Janus Case:** A day ahead of the U.S. Supreme Court hearing oral arguments in a case that could have far-reaching implications for public sector unions, hundreds gathered on the Statehouse lawn for the "Working People's Day of Action."

The event also comes in the wake of six pieces of legislation introduced in Ohio to revise collective bargaining laws.

"The Ohio Legislative Black Caucus stands in solidarity with labor and working people," Ohio Legislative Black Caucus President and Rep. Stephanie Howse (D-Cleveland) said in a statement. "Right to Work is wrong and has no place in the state of Ohio. Fair labor practices, equitable pay, representation in the workplace and building power through unity are essential to making Ohio stronger, and should be a guaranteed right to all who are willing to work."

Buckeye Institute President Robert Alt said the questioning by Justice Anthony Kennedy during oral arguments should leave union supporters concerned.

"Given how frequently Justice Kennedy is in the majority, his questions have to be a cause of concern for those seeking to continue the practice of forcing public servants to pay for union speech with which they may disagree," he said.

**Gun Control:** The gubernatorial campaign of Dennis Kucinich continues to put gun control in the spotlight.

In the latest move, Mr. Kucinich's running mate, Akron City Councilwoman Tara Samples, plans to introduce a measure to urge state lawmakers to pass a ban on assault weapons.

"Dennis and I, with the help of more than 2,000 grassroots volunteers, are working to convince every city council and every board of education all across Ohio to support getting these killing machines off our streets," she said in a statement. "I couldn't be more proud that my own community is about to become the first in Ohio to take this step."

**New Polling:** A Suffolk University/*USA Today* poll released Monday found strong support for additional gun restrictions, including 63% of respondents who want semi-automatic weapons banned.

Another 76% said that people treated for mental illness should be banned from owning firearms and 61% said stronger gun control law and background checks could prevent more mass shootings.

The poll also found that 62% believe schools should be required to have metal detectors and 58% believe there should be a requirement that schools have a armed police officer stationed on campus.

However, just 19% believe the prospects of Congress passing gun-control measures are good to excellent and 25% believe there is a fair chance for legislative action. Another 51% said the chances are poor.

"Voters see a Congress that is deaf to their wishes about remedying gun violence in the United States," said David Paleologos, director of the Suffolk University Political Research Center in Boston

The nationwide survey of 1,000 individuals, which has a margin of error of 3%, also found that President Donald Trump's approval rating stands at 38%, down from 47% one year ago.

"President Trump's job performance ratings have had several ups and downs in the past year, with last March's relatively strong showing coming in the aftermath of a well-received speech to Congress," Mr. Paleologos said. "The bump he got after signing the tax bill in December appears to have been overwhelmed in light of young people challenging him on gun issues and the investigation of Russian meddling in U.S elections."

**ODP Training:** The Ohio Democratic Party announced Monday that more than 110 candidates took part in its "Main Street Initiative," which provides training and support to candidates.

"What Democrats are seeing nationally, we're seeing here in Ohio, too - the unprecedented energy and enthusiasm of the grassroots is turning into record numbers of Democratic candidates running in races up and down the ballot," ODP Chairman David Pepper said in a statement. "We're proud to support our state and local candidates when they run for office, as we build our bench of great public servants. We look forward to working with our 2018 'Main Street' candidates from now through Election Day and then touting their successes once they're in office."

## **Governor's Appointments**

**State Auctioneers Commission:** Theresa M. Blocher of Paris for a term beginning February 26, 2018, and ending October 9, 2020.

**Board of Nursing:** Lauralee S. Krabill of Sandusky and Patricia A. Sharpnack of Chardon for terms beginning February 26, 2018, and ending December 31, 2021

## **Supplemental Event Planner**

### **Monday, March 5**

One Ohio Now news conference on state data ahead of the State of the State Address, Ladies Gallery, Statehouse, Columbus, 1 p.m.

### **Wednesday, March 7**

Rep. Martin J. Sweeney (D-Cleveland) fundraiser, Dempsey's, 346 S. High St., Columbus, 5:30 p.m., (Marty, We Love You; \$1,000-\$5,000; Best Buddy; \$500; Good Pal; \$100 Friend: \$25 to Friends of Martin J. Sweeney)

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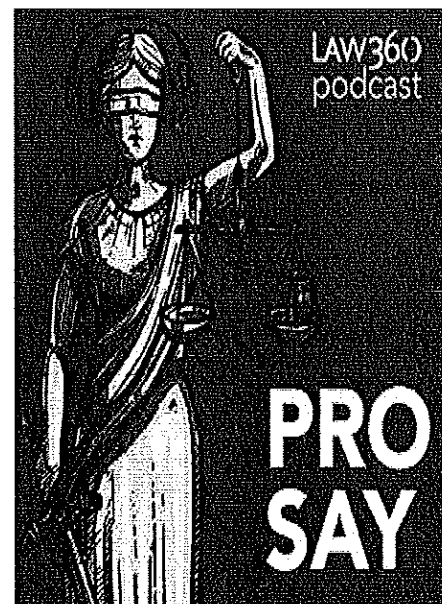
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### **High Court Won't Review DACA; Program Remains For Now**

The U.S. Supreme Court on Monday denied the Trump administration's bid for it to leapfrog over the Ninth Circuit and review a California federal court's order that temporarily paused a move to end the Deferred Action for Childhood Arrivals program. [Read more »](#)

### **Lawsuit Over Trump's 2-For-1 Regulation Order Tossed**

A D.C. federal judge tossed out a complaint Monday from public interest groups fighting President Donald Trump's executive order to repeal two federal regulations for each new one issued, ruling the groups had failed to show how the order would harm them. [Read more »](#)



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LAW FIRMS

## **Fla. Lawmakers OK Gun Bill, But Not Assault Weapons Ban**

After hearing impassioned pleas from survivors of the Feb. 14 mass shooting at Marjory Stoneman Douglas High School, a Florida Senate committee advanced a bill Monday to enhance gun control and school safety that includes a provision raising the minimum age for all gun purchases to 21, but falls short of students' demands for an assault weapons ban. Read more = 2

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## **DOT Extends 'Quiet Car' Rule Deadline For Electrics, Hybrids**

The U.S. Department of Transportation on Monday finalized a new rule requiring hybrid and electric vehicles to meet certain sound standards to alert pedestrians, bicyclists and other motorists that they're approaching, extending the deadline to phase in the new mandate by one year. Read more »

## **Fed Not Looking To Relax Bank Regulations, Top Official Says**

The Federal Reserve Board will continue seeking to provide more transparency on its "stress tests" that gauge whether big banks have sufficient cash to absorb major economic hits, but it does not intend to relax capital requirements and other key regulations put in place after the Great Recession, Fed Vice Chair Randal Quarles said Monday in Washington, D.C. Read more »

## **BANKING & SECURITIES**

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### **Analysis**

## **Focus Tightening On Debate Over Banning Post-IPO Suits**

The idea of forcing shareholders in IPO-related investor suits into arbitration has garnered increased attention in recent days, with the SEC's investor advocate saying it's a "draconian" measure that would deny

Altshuler Berzon  
Andrews Kurth Kenyon  
Baker McKenzie  
Barclay Damon  
Barrera Legal Group  
Berwin Leighton Paisner  
Bryan Cave  
Chiesa Shahanian  
Cooley  
Cotchett Pitre  
Covington & Burling  
Davis Polk  
Dechert  
Earthjustice  
Eversheds Sutherland  
Ganfer & Shore  
Gianni Origoni  
Gibson Dunn  
Goldberg Segalla  
Goldenberg Mackler

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Hunton & Williams  
Javerbaum Wurgatt  
Jenner & Block  
Kelley Drye  
Littler Mendelson  
Littman Krooks  
Salon Marrow

= A

Womble Bond Dickinson  
Zelle LLP

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## **COMPANIES**

Amazon.com Inc.  
American Bar Association  
American Civil Liberties Union  
American Enterprise Institute

investors the right to class action claims and one legal expert predicting the issue may have to be decided at the Supreme Court. Read more »

### **Beirut Victims' Kin Fight Bank's Bid To Stay Terrorism Case**

The families of the American service members killed in the 1983 U.S. Marine Corps barracks bombing in Beirut, Lebanon, have hit back at Clearstream Banking SA's bid to stay a ruling allowing them to pursue it for \$1.68 billion linked to Iran while the bank considers a high court appeal, telling the Second Circuit that there was no legal basis for a stay. Read more »

## **ENERGY & ENVIRONMENTAL**

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### **High Court Won't Hear Challenge To EPA Water Transfer Rule**

In a defeat for several states and environmental groups, the U.S. Supreme Court said Monday it won't hear appeals of a Second Circuit ruling that upheld a U.S. Environmental Protection Agency rule exempting some water transfers from Clean Water Act review. Read more = 2

## **HEALTH & LIFE SCIENCES**

= A

### **20 AGs Sue To Toss What's Left Of Obamacare**

A 20-state coalition filed suit in Texas federal court Monday seeking to put a final end to the Affordable Care Act, saying since the Trump administration eliminated the individual mandate penalty, the law's remainder "must fall," including requirements for minimum benefits and state insurance exchanges. Read more »

### **Ex-Jets Player Loses Pot Decriminalization Suit**

American Federation of State, County and Municipal Employees  
Apple Inc.

Association of Corporate Counsel  
Cagle's, Inc

Communications Workers of America

Competitive Enterprise Institute  
Delta Air Lines Inc.

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Global Automakers

Honda Motor Co. Ltd.

LexisNexis Group

Lyft Inc.

Major Lindsey & Africa

NFL Enterprises LLC

National Rifle Association of America

Natural Resources Defense Council

Nissan Motor Company

= 9

Public Citizen Inc.

Reed Elsevier

= 9

Regents of the University of California

Riverkeeper Inc.

Safeco

Service Employees International Union

Starbucks Corporation

State Farm

= 9

Tax Foundation

The Center for Immigration Studies

Twilio Inc.

Twitter Inc.

United Services Automobile Association

A New York federal judge on Monday dismissed a former NFL star's suit demanding decriminalization of medical marijuana, saying the Second Circuit has already determined that Congress had a rational basis to classify marijuana as a Schedule I drug. [Read more »](#)

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### **House Passes Health Care Research, Outreach Bills**

= 9

The House of Representatives passed a series of bills increasing funding for research on congenital heart disease and sickle cell disease Monday, as well as increasing grants for dental care in rural and other underserved areas. [Read more »](#)

### **TRANSPORTATION & INFRASTRUCTURE**

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#### **NJ Senate Passes Bill To Extend Business-Friendly Zones**

The New Jersey Senate passed a bill Monday that would extend urban enterprise zone designations — providing reduced sales taxes and other benefits to merchants — for 10 years. [Read more »](#)

### **REAL ESTATE**

= 9

#### **NJ Justices Probe Lien Holder Standing In Development Suit**

= A The New Jersey Supreme Court suggested Monday that a holder of tax liens on a neighboring property could have standing to challenge plans for an industrial campus on an adjacent parcel, tackling what a state appellate panel has said is an issue of first impression for state courts. [Read more »](#)

### **EMPLOYMENT**

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Wellington Insurance Group Inc.  
Zynga Inc.

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### **GOVERNMENT AGENCIES**

California Department of Justice  
Centers for Disease Control and Prevention

Congressional Budget Office  
Equal Employment Opportunity Commission

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European Commission  
European Union  
Executive Office of the President

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Federal Communications Commission

Federal Reserve System

Florida Department of Education  
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Florida State Senate  
Food and Drug Administration  
Georgia General Assembly  
Internal Revenue Service  
National Highway Traffic Safety Administration

National Labor Relations Board  
National Railroad Passenger Corporation

Navajo Nation  
New Jersey Legislature  
Office of Foreign Assets Control  
Securities and Exchange Commission

Serious Fraud Office  
Social Security Administration  
U.S. Attorney's Office

## **NLRB Puts Prior Joint Employer Test Back In Play**

= A The National Labor Relations Board on Monday unanimously vacated its recent Hy-Brand joint employer ruling in light of an inspector general report that faulted board member Bill Emanuel for improperly participating in that case, meaning that the 2015 Browning-Ferris test for determining joint employment is once again the law of the land. = 9 [Read more »](#)

## **III. Union Sues To Avoid Repping Non-Members Post-Janus**

The Local 150 chapter of the International Union of Operating Engineers is attempting to poke holes in a ruling that the U.S. Supreme Court has not yet made, filing suit last week asking to be exempted from a state statute that mandates unions collectively bargain for and otherwise represent public employees who do not contribute to the union. [Read more »](#)

## **CYBERSECURITY & PRIVACY**

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### **UK Data Regulator Vows 'Tough Action' To Protect Consumers**

The U.K.'s data protection commissioner on Friday previewed her plans for enforcing a number of sweeping upcoming changes to the European Union's privacy regime, stressing that her office wouldn't hesitate to take "tough action" to protect consumers from businesses that fail to meet or ignore their legal obligations. [Read more »](#)

## **AEROSPACE & DEFENSE**

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### **Civilian Hospitals To Train Military Docs Under House Bill**

The U.S. Defense Department could soon expand training of its military doctors in civilian trauma centers under a bill passed by the House of Representatives Monday, intent on

U.S. Department of Health and Human Services

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U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of Transportation

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U.S. Department of the Treasury

U.S. Environmental Protection Agency

U.S. Marine Corps

U.S. Senate

U.S. Supreme Court

United Nations

keeping military doctors' training up to par.  
Read more = 2

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### **DHS Deputy Secretary To Step Down After Just One Year**

U.S. Department of Homeland Security second in command Elaine Duke, known for leading the agency's recent hurricane relief efforts and cuts to its Temporary Protected Status program, will retire from her post in April, the department announced Friday. Read more »

## **INTERNATIONAL TRADE**

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### **Treasury Issues Sanctions For Libyan Oil Smuggling**

The U.S. Department of the Treasury on Monday sanctioned six people, 24 entities and seven vessels for illegally exploiting Libyan oil, stating that the oil's illicit production, selling and exporting threatens peace in the country. Read more »

### **US Asks Peru To Verify Timber Exports Are Legal**

The Trump administration on Monday asked the government of Peru to show that three recent timber exports to the U.S. were sourced in compliance with the environmental rules laid out in the two countries' bilateral trade deal, raising questions about illegal operations in Peru's logging industry. = 9 Read more »

## **TAX**

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### **Prominent US Treasury Tax Official Abruptly Resigns = 9**

A top U.S. Department of Treasury official expected to work closely on promulgating the highly anticipated regulations under the new federal tax legislation has resigned unexpectedly. Read more »

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### **Ga. Lt. Gov. Threatens To Wield Tax Code To Punish Delta = 9**

The Republican lieutenant governor of Georgia threatened on Monday to use the tax code to retaliate against Delta Air Lines Inc., one of the largest employers in his state, because the company announced it was breaking ties with the National Rifle Association. [Read more »](#)

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### **NJ Senate Passes Bill To Protect Tax Agreement With Pa.**

The New Jersey Senate on Monday voted unanimously to approve a bill that would prevent the governor from unilaterally withdrawing from personal income tax agreements with other states. [Read more »](#)

### **NJ Senate Passes Charity Donations Bill To Fight SALT Cap**

The New Jersey Senate passed a bill Monday that would allow for property tax credits for making certain qualified charitable donations on behalf of real property, a rebuke to the Tax Cuts and Jobs Act, P.L. 115-97, which limited the total state and local tax deduction to \$10,000. [Read more »](#)

### **EU State Aid Probes Aim At Tax Loopholes, Specialist Says**

The European Commission's allegations accusing countries of granting anticompetitive state aid to multinational companies are an attempt to tackle tax avoidance techniques that exploit loopholes in policy but are not illegal, a practitioner said during a lecture on Monday. [Read more »](#)

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### **Tax Cut Law More About Political Optics, Panelist Says**

Companies have been promising job growth and new investment in the U.S. as a result of the recently passed federal tax cut bill, but those announcements are likely motivated by

politics and not the economic effects of the new law, William G. Gale, a senior fellow at the Brookings Institution, said at a conference Monday. [Read more »](#)

## IMMIGRATION

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### **Advocates Ask High Court To Join Travel Ban Case**

The International Refugee Assistance Project and other advocacy groups asked the U.S. Supreme Court on Friday to hear their arguments against President Trump's travel ban along with the state of Hawaii's, which are set for April 25, saying courts have unfairly restricted travel to those with "bona fide" relationships in the country. [Read more »](#)

## NATIVE AMERICAN

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### **House OKs Amber Alert Expansion For Tribal Lands**

= 9 The House of Representatives passed a bill Monday that would expand the Amber Alert program on tribal lands, a measure that would allow federal grants for the program to be used by tribes as well by the states. [Read more »](#)

## TELECOMMUNICATIONS

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### **Infrastructure Plan Not Shorting Broadband: White House**

The White House released a fact sheet Friday apparently intent on dispelling criticism that President Donald Trump's plan to direct \$200 billion in federal dollars to infrastructure projects earmarks no money specifically toward expanding broadband internet access, even in rural areas where broadband deployment is already lacking. [Read more »](#)

= 9

Feature

### **15 Minutes With Twilio's General Counsel**



Karyn Smith's journey from BigLaw attorney to general counsel for communications platform Twilio has given her a unique vantage point on the changing media world, from net neutrality to customer confidence to data privacy concerns. [Read more »](#)

## **FCC To Hold 2 Spectrum Auctions For 5G Buildout**

The Federal Communications Commission is planning to hold two back-to-back spectrum auctions starting this fall to make high band frequencies available for 5G use, FCC Chairman Ajit Pai said Monday, highlighting the agency's efforts to assist the country's development of the next-generation wireless technology. [Read more »](#)

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## **Group Says FCC's O'Reilly Flouted Hatch Act, Should Resign**

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An ethics watchdog on Friday blasted FCC commissioner Michael O'Reilly's endorsement of President Donald Trump's re-election at a conservative political event, with its executive director saying O'Reilly should resign for a flagrant Hatch Act violation. [Read more »](#)

## **EXPERT ANALYSIS**

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## **Anticipating This Year's HIPAA Enforcement Trends**

The U.S. Department of Health and Human Services and the president's budget give a clear directional sense for what Health Insurance Portability and Accountability Act enforcement could consist of in 2018 and the foreseeable future. And the name of that game appears to be "less is more," says David Saunders of Jenner & Block LLP. [Read more »](#)

**Series**

## **EPA In The Trump Era: Enforcement And Compliance Changes**

The U.S. Environmental Protection Agency's enforcement machine does not turn on a dime, and a year of enforcement data does not establish a trend. While the first 12 months may not have cemented a new approach to enforcement and compliance, year two is as good a time as any to offer a few first impressions, says Wayne D'Angelo, former director of strategic planning and advance at the EPA and a partner at Kelley Drye & Warren LLP. [Read more »](#)

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## **What To Expect From EEOC's New Harassment Guidance**

Earlier this month U.S. Equal Employment Opportunity Commission Acting Chair Victoria Lipnic stated the agency will release its new guidance on sexual harassment "soon." What it will look like is anyone's guess, but the EEOC intends it to replace several previously issued documents, and it appears to be a fairly comprehensive summary of the current state of the law, says Kristin Klein Wheaton of Goldberg Segalla LLP. [Read more »](#)

## **Inside The Final DOL Regulations On Disability Claims**

New U.S. Department of Labor regulations aimed at Employee Retirement Income Security Act-governed disability plans, which take effect April 1, will likely require amendments to most plans that confer benefits based on a participant's (or beneficiary's) disability, says Arthur Marrapese of Barclay Damon LLP. [Read more »](#)

## **So Far, So Right — Menchaca Has Not Changed Appraisal Law**

= 9Ten months ago, the Supreme Court of Texas issued an opinion in *USAA v. Menchaca*, which some claimed would change the course of Texas precedent regarding extracontractual liability. As predicted in a

previous Law360 guest article, however, the decision has yet to disturb the finality of an appraisal award, says Victoria Vish of Zelle LLP. [Read more »](#)

## **Tax Reform's Impacts On Pass-Through Entities = 9**



The tax reform bill passed at the end of 2017 includes numerous provisions affecting pass-through entities and their owners. These provisions are complex, and create both strategic opportunities and pitfalls for the unwary. In this video, Wes Sheumaker and Eric Santos of Eversheds Sutherland LLP discuss the 20 percent deduction for qualified business income and the limitation on excess business losses. [Read more »](#)

## **LEGAL INDUSTRY**

Feature

### **4 Essential Tasks New GCs Should Immediately Conquer**

The beginning days, weeks and months as a new general counsel or chief legal officer are vital to success. First impressions and chaos control count, and there's a lot of groundwork to cover when settling in to a position, whether it's at a different company or the result of a promotion. Here, Law360 looks at the crucial first steps for every new top lawyer to tackle. [Read more »](#)

### **Law Partners' Hourly Rates Keep Climbing**

The U.S. legal sector saw widespread increases in partner billing rates last year, led by a dominant 8 percent hike in the median rate among the 50 largest law firms, according to a report out Tuesday. [Read more ½ B](#)

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### **Bryan Cave And BLP Approve Transatlantic Merger**

St. Louis-headquartered Bryan Cave LLP and U.K.-based Berwin Leighton Paisner have agreed to merge and will launch a new fully integrated transatlantic firm in April, the firms announced on Monday. [Read more »](#)

### **Ex-Dechert Client Seeks Subpoena For Leaked Letter's Source**

A former Dechert LLP client petitioned a California federal court on Friday to subpoena a correspondent for a British paper to discover how he obtained an allegedly damaging letter penned by the firm, claiming after an "acrimonious" split with Dechert, the firm "had an apparent motive to leak the letter." [Read more »](#) = 9

#### **JOBS**

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**From:** Max.Behlke@ncsl.org

**Sent:** Tuesday, February 27, 2018 10:32 AM

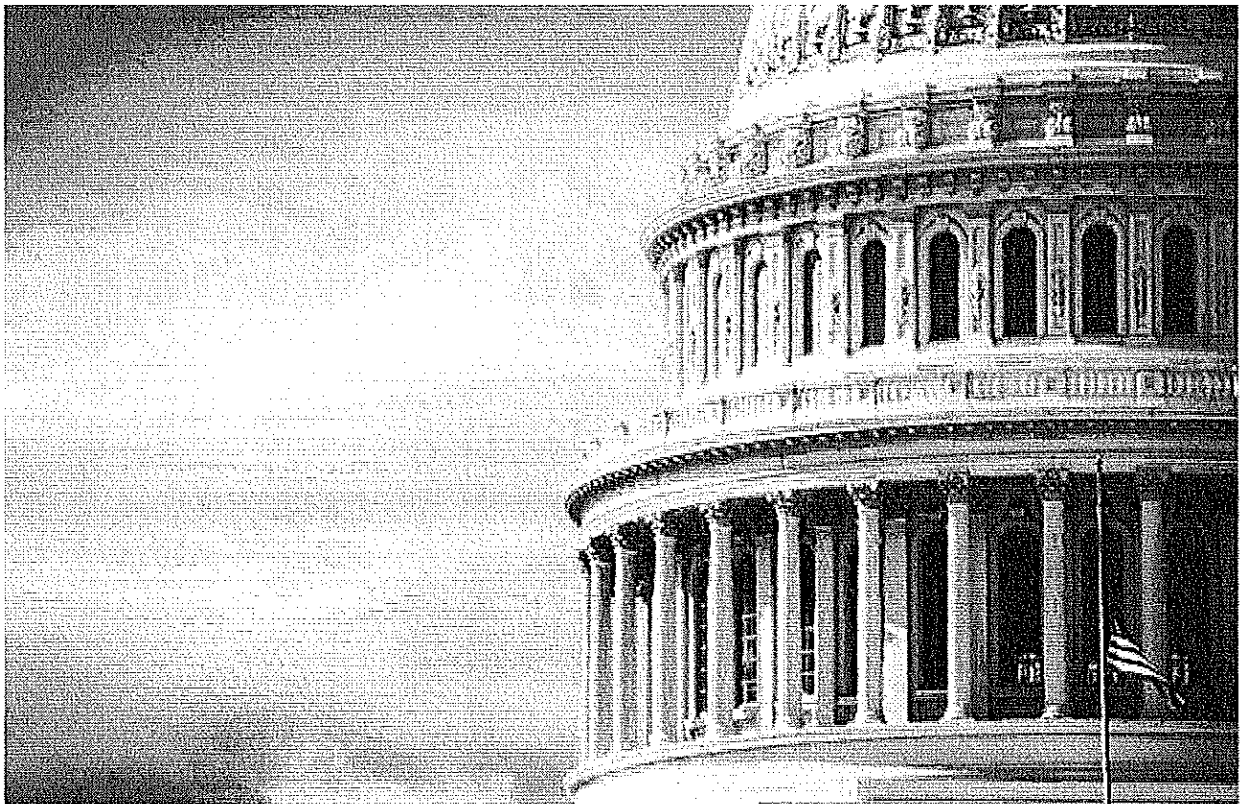
**To:** Rep48

**Subject:** Cap to Cap: This Week: Gun Control and Remembering the Rev. Billy Graham



## CapitoltoCapitol

NATIONAL CONFERENCE *of* STATE LEGISLATURES



Feb. 27, 2018

*In This Issue:*

**This Week: Gun Control and Remembering the Rev. Billy Graham**

**US Supreme Court Hears Arguments in Union Dues Case**

**White House Meeting on School Safety**

**Supreme Court to Hear Online Sales Tax Case in April**

**DACA and Immigration Debate Stalls in Senate**

**Congressional Appropriators Race to March 23 Deadline**

**House Republicans Signal Willingness to Negotiate with Senate on Banking Reform Measures**

**Also of Note...**

**This Week: Gun Control and Remembering the Rev. Billy Graham**

Congress returned yesterday from its Presidents' Day recess, which was dominated by the issue of gun control. Since the Feb. 14 shooting at Stoneman Douglas High School in Parkland, Fla., the nation has been immersed in an intense debate on what to do to prevent future school shootings. However, don't expect Congress to act this week. While the Senate will be in session all week, the House will conclude business today to make way for the remembrance of Rev. Billy Graham, who will become only the fourth private citizen to lie in honor in the Capitol Rotunda on Wednesday and Thursday.

**US Supreme Court Hears Arguments in Union Dues Case**

Perhaps the most significant debate on Capitol Hill this week will take place yesterday in the U.S. Supreme Court. The decision could not only affect every member of a public sector union but also result in the largest shift in federal education policy in 40 years.

On Monday, the U.S. Supreme Court heard oral argument in Janus v. American Federation of State, County and Municipal Employees (AFSCME) Council 31. Mark Janus, a public-sector employee in Illinois, is challenging the constitutionality of a state statute allowing public sector employers and unions to agree that employees who don't join the union must still pay their "fair share" of collective bargaining costs. Janus argues that

requiring him to pay his "fair share" of union dues is a violation of his First Amendment free speech rights. Janus asserts he should have the choice to join or not join, pay or don't pay.

Since 1977, when the US Supreme Court ruled in Abood v. Detroit Board of Education, public employees subject to fair share agreements have been required to pay for union representation, even if the worker doesn't join the union.

It is estimated that *Janus v. AFSCME* could impact 5.5 million public sector employees. The ruling could alter the relationship between labor and management, nationwide union membership and dues collection. At present, 22 states authorize fair share for public sector employees.

The *Janus* decision may have an outsized impact on public education given that two of the three largest public sector unions in the nation relate to education—the National Education Association and the American Federation of Teachers. Employees in education had the highest unionization rate of all sectors, with 37.2 percent being represented by a union.

On Dec. 5, attorneys general in 20 states (Michigan, Alabama, Arizona, Arkansas, Florida, Georgia, Idaho, Indiana, Kansas, Louisiana, Missouri, Nebraska, Nevada, Oklahoma, South Carolina, Tennessee, Texas, Utah, West Virginia, and Wisconsin) filed an amicus curiae brief in support of Janus. On Jan. 19, attorneys general in 20 states (New York, Alaska, Connecticut, Delaware, Hawaii, Iowa, Kentucky, Maine, Maryland, Massachusetts, Minnesota, New Jersey, New Mexico, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia and Washington) and the District of Columbia filed an amicus curiae brief in support of AFSCME.

In 2016, the U.S. Supreme Court considered a similar case Friedrichs v. California Teachers Union. With the death of Justice Antonin Scalia, the Court deadlocked with a 4-4 decision. Justice Gorsuch could be the swing vote to overturn *Abood*. A decision is expected by the end of June.

**NCSL Contacts:** Jon Jukuri (labor), Joan Wodiska (education)

**DYK?** Sunday marked the 25th anniversary of the first terror attack on the World Trade Center. The attack, which killed six people and injured more than a thousand others, involved Islamic terrorists who blew up a 1,200 pound bomb in an underground parking garage in an attempt to collapse the twin towers.

### **White House Meeting on School Safety**

In the wake of the Parkland, Fla., school shooting, last week President Donald Trump, Vice President Mike Pence, and Secretary of Education, Betsy DeVos met with more than 40 survivors, teachers and community members to discuss strategies to reduce school violence. In the meeting, the president expressed his support to improve federal background checks on gun purchases, equip school staff with firearms and explore other avenues to improve school safety. The president also issued a Presidential Memorandum directing the U.S. Department of Justice to "expeditiously as possible, to propose for notice and comment a rule banning all devices that turn legal weapons into machineguns." An official federal regulatory review of the "bump stock" rule began last fall, following the deadly shooting in Las Vegas, Nev. Over 100,000 comments were received and are being reviewed by the Justice Department.

**NCSL Contact:** Joan Wodiska

### **Supreme Court to Hear Online Sales Tax Case in April**

On Friday, the Supreme Court set the argument date for the *South Dakota v. Wayfair* remote sales tax case for Tuesday, April 17. If the court rules in the South Dakota's favor, every state could be granted the authority to require remote businesses to collect and remit sales taxes on transactions made by their state's residents. If South Dakota loses, the long-term viability of the sales tax as a state revenue stream for states may be in jeopardy. For more, visit NCSL's page that summarizes the case as well as the history of remote sales tax collection issue in the states.

**NCSL Contacts:** Max Behlke, Jake Lestock

### **DACA and Immigration Debate Stalls in Senate**



Before Congress recessed, and before the re-emergence of the gun control debate, a fierce debate on immigration consumed Capitol Hill. However, lawmakers on Capitol Hill failed to reach a consensus on the issues of immigration reform, border security and the "Dreamers" and there is still no clear path forward for a comprehensive deal. In the Senate, neither of the four immigration-related proposals cleared the 60 vote threshold needed to advance legislation and it is unlikely that any proposal from the House would be entertained by the Senate.

While the president had set March 5 as the deadline for Deferred Action for Childhood Arrivals (DACA) recipients, at which point he would terminate the program, federal district judges in California and New York have delayed that possibility, thus allowing more time for negotiators to work out a deal. On Monday morning, the U.S. Supreme Court denied the administration's request to rule on the legality of DACA in advance of a U.S. Circuit Court decision. In a one sentence denial of the administration's request, the Court stated, "[I]t is assumed that the Court of Appeals will proceed expeditiously to decide this case." The Court of Appeals is expected to rule on the injunction as early as April.

**NCSL Contact:** [Susan Frederick](#), [Lucia Bragg](#)

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**NCSL Contact:** [Susan Frederick](#), [Lucia Bragg](#)

**DYK?** Since 1870, when Senator [Hiram Revels](#) of Mississippi and Representative [Joseph Rainey](#) of South Carolina became the first African Americans to serve in Congress, a total of 153 African Americans have served as U.S. Representatives, Delegates, or Senators.

## Congressional Appropriators Race to March 23 Deadline

The Bipartisan Budget Act of 2018 included the fifth continuing resolution (CR) for fiscal year (FY) 2018 and set new spending caps on how much the government can spend through FY 2019. Now, lawmakers have just four weeks to craft the 12 annual appropriations bills, or one combined omnibus bill, before March 23 when the government is at risk of another government shutdown. To make things even more complicated, the budget deal also had several informal agreements that were agreed to, but did not give specifics. This includes yearly funding of:

- \$3 billion to "fight against the opioid and mental health crises."
- \$10 billion for infrastructure.
- \$2 billion to "rebuild and improve" veteran's health care.
- \$2 billion for "college affordability."
- \$2.9 billion for the child care development block grant.
- \$1 billion for the National Institutes of Health.

Now, appropriators will have to translate how this funding will look while the party leaders act as chaperones to make sure everybody complies with the deal's stipulations. This also may be the last major legislative vehicle of the year, so you can bet lawmakers are rushing to get their priority bills added to the omnibus. The budget deal reached earlier this month also created a joint committee that is specifically tasked with "advancing reforms to the budget and appropriations process." Last week, House leaders made their selections on who would try to tackle this monstrous task. Speaker Paul Ryan chose Steve Womack (R-Ark.), Rob Woodall (R-Ga.), Jodey Arrington (R-Texas), and Pete Sessions (R-Texas), while Minority Leader Nancy Pelosi chose Nita Lowery (D-N.Y.), Lucille Roybal-Allard (D-Calif.), Derek Kilmer (D-Wash.) and John Yarmuth (D-Ky.). Senate leaders have yet to name their eight members to the reform committee.

NCSL Contacts: [Max Behlke](#), [Jake Lestock](#)

**DYK?** On Feb. 25, 1863, 155 years ago, President Abraham Lincoln signed the National Currency Act (later called the "National Bank Act"), which was the first attempt to establish a central bank following the failures of the First and Second Banks of the United States. The law aim to address the hodge-podge of local banks, local money, and conflicting regulatory standards that existed before the Civil War. The act allowed for the creation of national banks, planned for a national currency, and gave the federal government the ability to sell war bonds and securities.

## House Republicans Signal Willingness to Negotiate with Senate on Banking Reform Measures

House Financial Services Committee Chair, Jeb Hensarling (R-Texas), appears to be open to negotiations with the Senate on Dodd-Frank rollback measures. Hensarling, who has a steady track record of wanting to wholly dismantle Dodd-Frank, now seems to be open to more moderate reforms in a strategic attempt to get legislation to the president's desk.

Hensarling's original banking reform legislation, the Financial CHOICE Act of 2017, would have removed significant portions of Dodd-Frank. His new strategy consists of multiple individual bills amounting to an a la carte offering of banking reform measures. House Republicans are hoping that this strategy is more palatable to moderate senators than the sweeping Financial CHOICE Act, which many deemed D.O.A. in the Senate last year after it passed the House.

In his attempt to work with the Senate, Hensarling seems willing to ease up on tough reform proposals designed to slash the Consumer Financial Protection Bureau—an agency that has proven to be a political lightning rod since its Dodd-Frank inception in 2010. Bipartisan policies that seem to be on the table in both chambers include relaxing regulatory oversight of credit rating agencies and increasing capital holdings thresholds for small and mid-sized banks that currently require heightened scrutiny under Dodd-Frank.

These latest attempts to move bi-partisan banking reform legislation come at the chagrin of some Democrats who feel that such measures would amount to taking a step back after progress made in the post-Great Recession era. If the House and Senate can successfully negotiate the legislation, the president has signaled ardent support for legislation that rolls-back Dodd-Frank in any form.

**NCSL Contact:** [Ethan Wilson](#)

### Also of Note...

- [Governors to Washington: Stop dithering on guns](#) – POLITICO

State leaders from both parties implored federal lawmakers this weekend to listen to their states' examples for responsible firearm legislation after the school shooting in Parkland, Fla., increasingly exasperated with the slow pace of debate and halting progress in the nation's capital.

- [Trump's personal pilot 'in the mix' to lead the Federal Aviation Administration](#) – Washington Post

President Trump's personal pilot is "in the mix" to lead the Federal Aviation Administration, a White House official confirmed Sunday night.

- [After testy call with Trump over border wall, Mexican president shelves plan to visit White House](#) – Washington Post

Tentative plans for Mexican President Enrique Peña Nieto to make his first visit to the White House to meet with President Trump were scuttled this week after a testy call between the two leaders ended in an impasse over Trump's promised border wall, according to U.S. and Mexican officials.

- [California Democratic Party doesn't endorse Feinstein re-election bid](#) – Fox News

The California Democratic Party will not endorse Sen. Dianne Feinstein's re-election bid this year, with delegates at the party's annual convention giving the majority of votes to her top primary challenger, progressive State Sen. Kevin de Leon.

- [Read the Democratic rebuttal to the Nunes memo, annotated](#) – Washington Post

[Read the Feb. 12, 2018 Capitol-to-Capitol.](#)

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We are always looking for interesting trivia about states, legislatures and American history. If you have some great facts, don't keep them to yourself. Let us know by clicking [here](#). We will likely include them in a future edition of Capitol to Capitol!

If you have comments or suggestions, please contact [Max Behlke](#).

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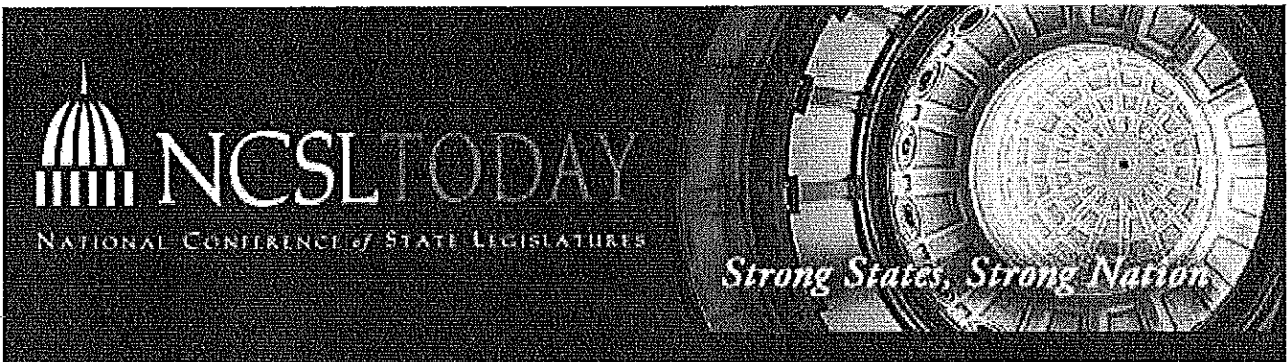
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## **TOP NEWS** Feb. 27, 2018

### **What states are doing about gun laws in wake of Florida shooting**

*The New York Times*

It is not just in Florida, where the mass shooting at a high school is prompting lawmakers to take up gun control legislation. The same thing is happening across the country, from Washington to Vermont.

[NCSL Blog post on carrying firearms in K-12 schools.](#)

### **Supreme Court to hear online tax case April 17**

Bloomberg

The U.S. Supreme Court will soon hear a long-simmering challenge about states' taxing authority over online retailers. And states should have the high court's answer by the start of summer. **NCSL brief cited.**

[NCSL resources on remote sales tax collection.](#)

### **What the Supreme Court's ruling means for DACA and 'Dreamers'**

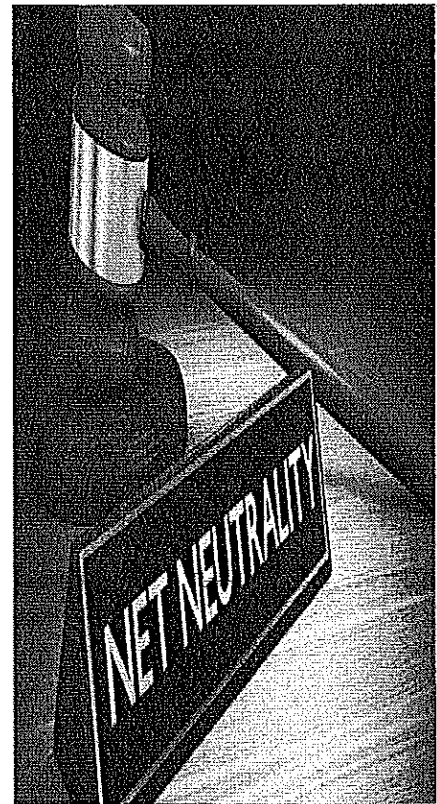
*USA TODAY*

By refusing to hear a California case, the high court ensured that DACA will survive at least through the fall, giving DACA enrollees a temporary reprieve from deportation and Congress more time to craft a permanent solution for them.

[NCSL resources on DACA.](#)

### **Iowa lawmakers move to allow health plans that skirt Obamacare rules**

*The Des Moines Register*



### **Net neutrality legislation in the states**

Net neutrality legislation has been introduced in over half of the states, largely in response to the Federal Communications Commission Restoring Internet Freedom Order.

### **2018 legislative races by state and chamber**



The Iowa Farm Bureau Federation could offer health insurance plans that don't comply with the federal Affordable Care Act under legislation advancing in the Iowa Legislature.

### **New Jersey lawmakers: Let inmates vote from prison**

*NJ.com*

State lawmakers on Monday announced legislation that would return voting rights to nearly 100,000 people locked up in prison or serving parole or probation.

[NCSL resources on felon voting rights.](#)

### **Feds provide Connecticut schools money for new students from Puerto Rico**

*CT Mirror*

Connecticut schools scrambled to accommodate the new arrivals — most of them non-English speakers — without additional resources from a cash-strapped state government.

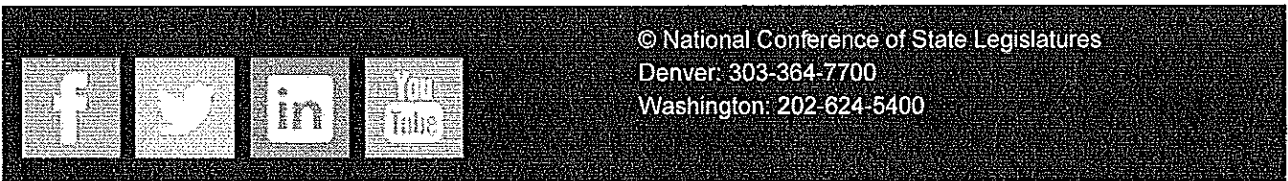
### **Webinar March 9: Fiscal 50 - How does your state rank?**

### **Price of democracy: Splitting the bill for elections**



### **Gorsuch silent during SCOTUS union dues oral argument**

If there ever was a case where the vote of only one Justice is likely to matter it is *Janus v. American Federation of State, County and Municipal Employees*. All attention was focused on Justice Neal Gorsuch this morning as the Supreme Court held oral argument in this case. And he was...silent.



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**ALEC Digital Exchange: March 1, 2018**



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**ALEC In Action**

## **ALEC Joins Rally for Mark Janus at U.S. Supreme Court**

Robert Ordway | Commerce, Insurance and Economic Development



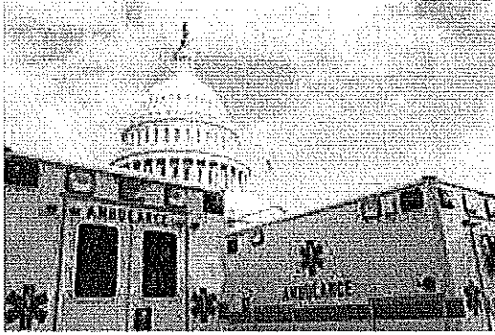
ALEC Staff joined hundreds of workers, teachers, policy professionals and many others outside the United States Supreme Court to rally in support of Mark Janus in his worker freedom case being heard by the court. Some see this case as an opportunity to expand worker freedom through choice, making it a potentially landmark decision in labor reform. To learn more about the *Janus* case and the judicial history of worker freedom, follow the link below.

[Read Article](#)

## Legislator Voices

### **Health Care and the Individual Insurance Market**

Speaker Linda Upmeyer | Iowa State Legislature



Iowa once had a stable and affordable health insurance market. Premiums were low, consumers had several choices, and our uninsured rate was lower than the national average. Following the enactment of Obamacare and its mandates, Iowa's market has collapsed. Iowa's unfortunate story is similar to many other states. It is time for states to act and do what they can to provide their citizens with affordable and accessible health coverage.

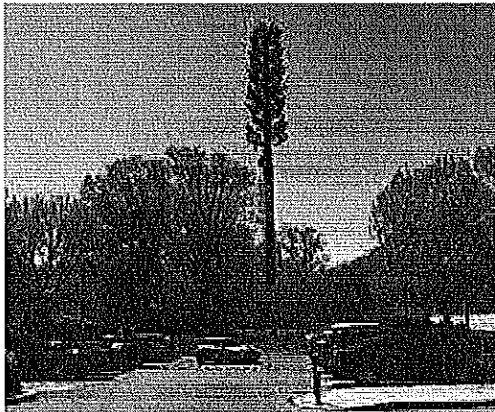
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## **Communication and Technology**

### **FCC Announces Wireless Broadband Federal Review and Approval Modernizations**

Jonathon Hauenschild | Communication and Technology



Is it possible for government to spur infrastructure spending and growth without spending a dime? That is what the Federal Communications Commission plans to do, according to a proposal discussed recently by Commissioner Carr. In a nutshell, the proposal would speed the process for deploying the next generation of broadband and mobile technology, and reducing both time and cost of implementation.

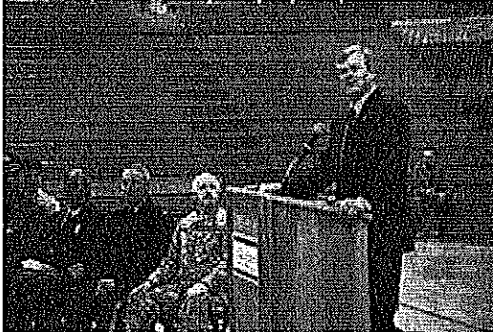
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## **State of the State Analysis**

## State of the State: Center for State Fiscal Reform Looks Eastward

Thurston Powers | Center for State Fiscal Reform



The Center for State Fiscal Reform continues its in-depth analyses of State of the State addresses from across the nation. The center is focused on highlighting both strong and weak fiscal policies outlined in the speeches, and their effects on the specific states. New this week are the analyses of eastern seaboard states **Virginia, Maryland and Massachusetts**. To see all the responses so far, follow the link below.

[View Articles](#)

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## ALEC-FreedomWorks Legislator of the Week

### A Standard Bearer for Tax Reform in North Carolina

Representative Jason Saine | NC-97



This week, ALEC and FreedomWorks introduce **North Carolina Representative Jason Saine**. Representative Saine also serves as the 2018 National Chairman of the American Legislative Exchange Council. Saine has been a driving force behind tax reform in his home state, and is proud of the results, saying, "We've seen surplus year after year while cutting taxes and keeping spending in line with the growth of our state economy."

[Read Article](#)

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STFS 2018

**Register Now for the Spring Task Force Summit**



Early Bird registration is currently open for the 2018 Spring Task Force Summit. The summit will take place on **April 27, 2018 in Grand Rapids, MI**. Click the link below to get more information and register for the conference.

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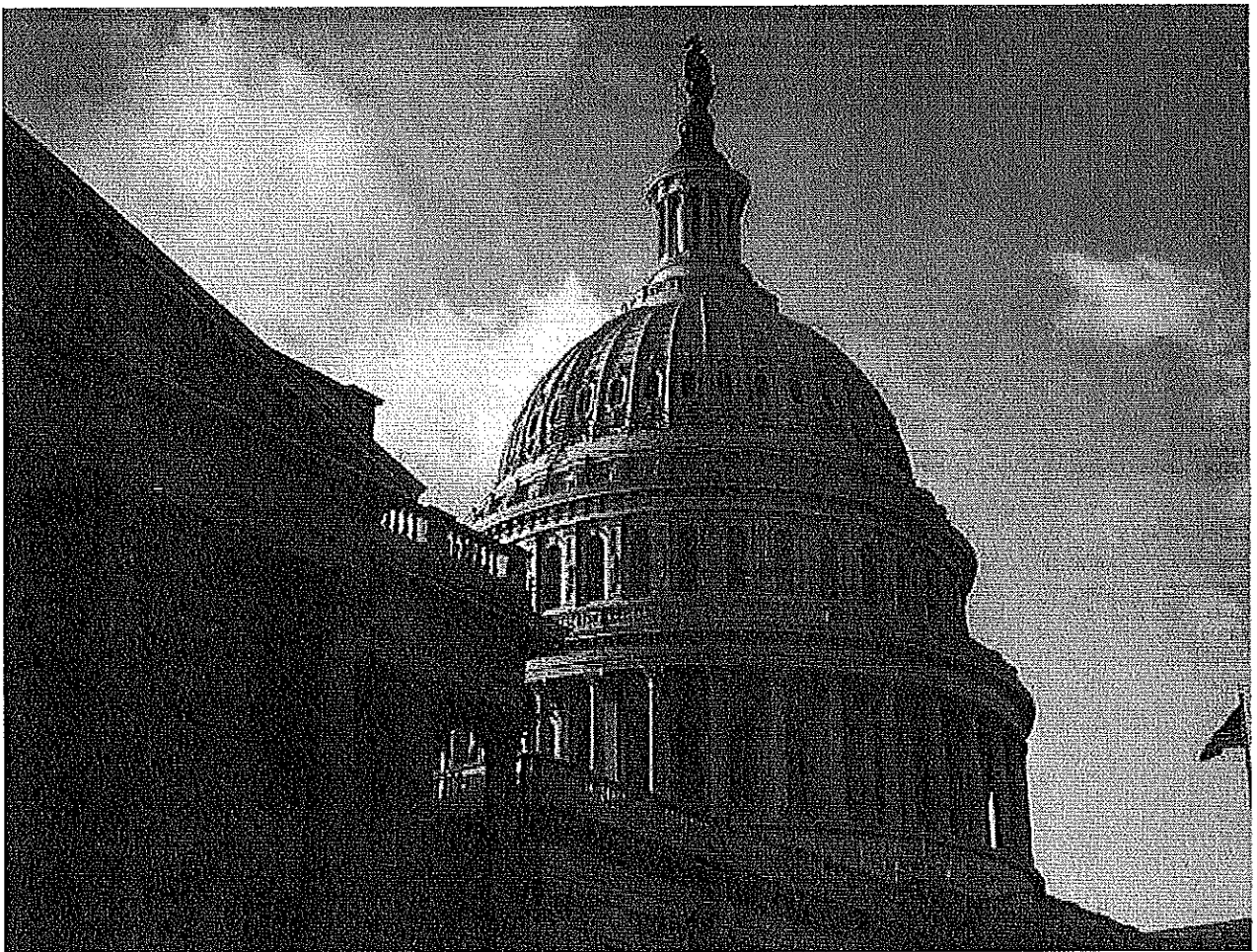
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Subject: Cap to Cap: Trump: New NAFTA Would Prevent Proposed Tariffs



## Capitol to Capitol

NATIONAL CONFERENCE of STATE LEGISLATURES



Mar. 5, 2018

*In This Issue:*

Trump: New NAFTA Would Prevent Proposed Tariffs

Seventh round of the North American Free Trade Agreement (NAFTA) Renegotiations Wrap up Today This Week on Capitol Hill

Roadblock to 2018 Infrastructure Bill?

Commerce Committees Announce Broad Telecom Package

Federal Reserve Chair Jerome Powell Testifies before Congress

Senate to Debate Bill That Exempts Small Banks from Dodd-Frank

Carrying Firearms in K-12 Schools

Court Hears Oral Argument in Janus v. AFSCME Case

NCSL Files Amicus Brief in South Dakota v. Wayfair Sales Tax Case

Opioids Crisis Garner Further Federal Attention

Also of Note...

## **Trump: New NAFTA Would Prevent Proposed Tariffs**

Last Thursday, President Donald Trump announced that the United States would impose 25 percent tariffs on imported steel and 10 percent tariffs on imported aluminum. The move, which surprised many in Washington and even many of the president's advisers, rattled the stock market as well as many manufacturing companies that rely on the metals. The announcement also surprised officials in the European Union, who have threatened to retaliate by imposing penalties on \$3.5 billion of U.S. exports, especially on products manufactured in states of Republican leaders, including Harley-Davidson motorcycles (Wisconsin, Speaker Paul Ryan) and bourbon (Kentucky, Senate Majority Leader Mitch McConnell).

The U.S. has experimented with steel tariffs relatively recently. In 2002, President George W. Bush imposed sweeping tariffs on steel imports but dropped them in 2003. The tariffs raised the cost of steel by 3 percent and a 2003 study by the research firm Trade Partnership Worldwide estimated that the higher steel prices, caused chiefly by the tariffs, cost 200,000 steel-consuming jobs in 2003, largely in manufacturing.

This morning, the president tied the tariffs to the ongoing negotiations to rewrite the North American Free Trade Agreement (NAFTA) by tweeting that the "Tariffs on Steel and Aluminum will only come off if new & fair NAFTA agreement is signed." The comments are not particularly surprising as Canada and Mexico were the first and fourth top suppliers of U.S. imported steel in 2017. Given that it is an election year both in the U.S. and in Mexico, many NAFTA watchers believe that talks to renegotiate the three-country agreement may last the rest of the year. However, retaliation against the U.S. tariffs could come much more quickly.

### **Seventh round of the North American Free Trade Agreement (NAFTA) Renegotiations Wrap up Today**

Representatives from Mexico, Canada and the U.S. convened over the past week for the seventh round of NAFTA negotiations in Mexico City.

Later today, the seventh-round negotiations are scheduled to conclude with a meeting among the U.S. Trade Representative Robert Lighthizer, Canadian Foreign Minister Chrystia Freeland and Mexican Economy Minister Ildefonso Guajardo. The three top trade officials from the NAFTA countries are expected to hold a press conference after the formal round of negotiations are completed.

Last week, Trump announced plans to impose tariffs on steel (25 percent) and aluminum (10 percent) to protect national security interests. However, Trump has not specified whether he will grant exemptions to the tariffs for key allies and vital trading partners. An eighth round of NAFTA negotiations in Washington, D.C., is expected to be held in early April.

**NCSL Contacts:** Jon Jukuri

### **This Week on Capitol Hill**

The Senate is turning to banking reform as efforts to pass gun control legislation appear to have stalled. The financial legislation, which will provide relief to small financial institutions and community banks, would be the first rewrite of the Dodd-Frank reform bill, legislation enacted nearly eight years ago in wake of the financial crisis. The legislation is expected to consume most of the chamber's floor time this week.



During its brief sessions on Monday and Tuesday last week, the House passed a bill to make it easier for victims and prosecutors to sue websites linked to sex trafficking. This week, the House is expected to vote on two energy and environment bills: the Blocking Regulatory Interference from Closing Kilns (BRICK) Act and the Satisfying Energy Needs and Saving the Environment (SENSE) Act. The BRICK Act would change certain Environmental Protection Agency regulations to benefit the brick and structural clay ceramics manufacturing industries. The SENSE Act would exempt certain power plants, which burn coal refuse, from parts of a 2012 air pollution rule. The House is expected to vote on the bills on Wednesday and Thursday.

The House is also expected to vote on the Comprehensive Regulatory Review Act on Tuesday, which is aimed at eliminating outdated or unnecessary regulations. The bill would require the audit of financial regulations to be completed every seven years, instead of every 10, and would expand the number of federal financial agencies the review requirements apply to.

**DYK?** Until the adoption of the 20th Amendment to the U.S. Constitution in 1933, U.S. presidents were inaugurated on March 4. However, the first president, George Washington, was not inaugurated until April 30. Although Congress had scheduled the first inauguration for March 4, 1789, they were unable to count the electoral ballots as early as anticipated.

### **Roadblock to 2018 Infrastructure Bill?**

Last week, Assistant Majority Leader, Senator John Cornyn (R-Texas) conveyed doubt that a large infrastructure package would pass Congress by the end of the year because of the large number of other priorities it must complete. While last month's budget deal calls for a \$10 billion boost to infrastructure funding for both FY 2018 and FY 2019, it remains unclear how such funding will be allocated with broadband, surface transportation, and clean and safe drinking water among a bevy of potential options.

While the funding in the budget deal is needed given the state of the nation's infrastructure, it is far from Trump's proposed \$1.5 trillion infrastructure plan. Senator Tom Carper (D-Del.), the ranking member of the Senate Environment and Public Works Committee, responded to Cornyn's remarks by saying, "I hope he's wrong. This administration, the president has talked so much about infrastructure, transportation, broadband deployment, water, sewer. If we can't figure out a path forward on this, shame on the president, shame on the administration, shame on the Congress."

Although a large infrastructure package may face a difficult road to passage, Congress still anticipates passing two other main infrastructure bills—a full four-year reauthorization of the Federal Aviation Administration (airports and drones) and a two-year reauthorization of the Water Resources Development Act (ports, harbors, inland waterways, and clean and safe drinking water).

**NCSL Contacts:** [Ben Husch](#), [Kristen Hildreth](#)

## **Commerce Committees Announce Broad Telecom Package**

Lawmakers on both the House and Senate Commerce committees have reached a bipartisan deal on a broad package of telecom provisions that will likely be bundled in this month's omnibus bill if a standalone package is not passed beforehand. The deal includes elements of the House's Federal Communications Commission (FCC) reauthorization package, which would provide the agency with more than \$330 million annually in FY 2019 and FY 2020, and includes key provisions from the Senate's Mobile Now spectrum bill. The Mobile Now Act provisions include allowing the FCC to hold upfront spectrum auction bids later this year with the U.S. Treasury.

In a joint statement, House and Senate committee leaders, Representative Greg Walden (R-Ore.), Representative Frank Pallone (D-N.J.), Senator John Thune (R-S.D.) and Senator Bill Nelson (D-Fla.) said the "bipartisan, bicameral product puts consumers first and solidifies the nation's critical telecommunications infrastructure, giving the U.S. a global edge" in the race to develop fifth-generation, or 5G, wireless networks "and in improving internet services across the country."

The legislation, [Ray Baum's Act \(H.R. 4986\)](#), will first be voted on in the House tomorrow, March 6, which is said to be a demonstration vote to congressional leadership that including the legislation in the omnibus bill will not threaten the package's chances of passage.

**NCSL Contacts:** [Danielle Dean](#)

## **Federal Reserve Chair Jerome Powell Testifies before Congress**

Last week, Fed Chair Jerome Powell appeared before the House and Senate [testifying](#) on the Federal Reserve's semiannual [Monetary Policy Report](#). In his first appearance before Congress as one of the nation's top

financial regulators, Powell commented on current economic conditions, addressing hot topics such as inflation, interest rates and the Fed's years-long accommodative monetary policies. Congressional members also peppered Powell with questions on myriad issues ranging from the new tax law and pending banking reform legislation to lending practices and consumer protection. View the full Senate testimony. During his testimony, Powell recognized the Fed's congressional mandate of promoting both maximum employment and stable prices—economic dynamics that tend to operate inversely, especially during times of relatively swift economic growth. Powell reported a generally favorable U.S. economic outlook, citing current job gains, economic growth and unemployment (4.1 percent) numbers. He went on to note that the Fed expects the inflation rate to tick upward, moving closer to the agency's target rate of 2 percent.

Questions remain as to the full cumulative effects of the recent tax legislation combined with historically low unemployment, high labor demand and increasing wages. With more money in the economy and wages on the rise, some believe that inflation will rise at a higher pace than anticipated by the Fed. For now, it appears that the Fed will proceed with at least three incremental interest rate hikes this year, with a fourth possible.

**NCSL Contact:** Ethan Wilson

**DYK?**

Before the 20th Amendment, presidential inaugurations were typically held on March 4. However, when the March 4 fell on a Sunday, as it did in 1821, 1849, 1877, and 1917, the ceremonies were held on March 5.

In 1877, March 4 fell on a Sunday, so on March 3, 1877, Rutherford B. Hayes became the first president to take the oath of office in the White House during a private ceremony. Hayes' also took the oath in a public ceremony on March 5.

On March 4, 1917, President Woodrow Wilson became the first person to break precedent and take the oath of office on Sunday, which was also the first time that the oath was taken privately in the President's Room at the Capitol.

Also, Inauguration day has only fallen on a Sunday three times since the passage of the 20th Amendment. In all three instances, the presidents were sworn in during a private ceremony on Sunday, followed by a public ceremony on Monday.

## **Senate to Debate Bill that Exempts Small Banks from Dodd-Frank**

Last Thursday, Senate Majority Leader Mitch McConnell (R-Ky.) filed a cloture motion on S. 2155, the Economic Growth, Regulatory Relief, and Consumer Protection Act, which is legislation intended to provide smaller banks relief from rules and regulations established under Dodd-Frank. Debate on the measure is expected to last most of the week in the chamber.

In general, the legislation raises the threshold at which a bank is deemed big enough to warrant tighter oversight from \$50 billion to \$250 billion. An initial procedural vote on the bill is expected on Tuesday, where the legislation will need 60 votes to pass, which it is expected to attain given that it is supported by moderate Democrats. More progressive members, however, have vocally opposed the bill. "The Senate—with the support of some Democrats—is set to start debate on a bill to roll back regulations on the same big banks we bailed out a few years ago. If we lose the final vote next week, we'll be paving the way for the next big crash," Senator Elizabeth Warren (D-Mass.) said in a tweet Friday.

Warren, considered a potential 2020 contender, rose through the Democratic Party's ranks by focusing on financial oversight.

**NCSL Contact:** Ethan Wilson

## **Carrying Firearms in K-12 Schools**

In the wake of the tragic events in Parkland, Fla., federal and state laws governing firearms have been in the forefront of public attention. Last week, the president held a bipartisan meeting to discuss school violence and access to firearms. Trump has indicated support for school staff having access to firearms. This week, the president is expected to meet with "members of the video game industry" to discuss the relationships between violence and video gaming. Read NCSL's Blog post on Carrying Firearms in K-12 Schools: A Policy Snapshot. NCSL Summary Carrying Firearms K-12 Schools

**NCSL Contact:** Joan Wodiska

## **Court Hears Oral Argument in *Janus v. AFSCME* Case**

Last week, the U.S. Supreme Court heard oral arguments in *Janus v. American Federation of State, County, and Municipal Employees, Council 31*. The case considers the question of whether state laws that require the

collection of "fair-share" dues in unions violate the First Amendment. While Justice Neil Gorsuch is expected to be the swing vote, last week he remained silent during the oral arguments.

**NCSL Contacts:** Jon Jukuri (Labor); Joan Wodiska (Education)

**DYK?** Thirty-six hours after his inauguration on March 4, 1933, President Franklin D. Roosevelt declared a "bank holiday," which closed all U.S. banks and froze all financial transactions for a week to stem bank runs during the financial crisis of the Great Depression. Following the bank holiday, on March 9, Congress introduced, passed, and the president signed the Emergency Banking Relief Act, which allowed banks to reopen as soon as examiners had found them to be financially secure. Within three days, 5,000 banks had been given permission to be re-opened.

### **NCSL Files Amicus Brief in South Dakota v. Wayfair Sales Tax Case**

On March 2, NCSL, along with the national organizations that represent state and local officials, filed an amicus brief in the U.S. Supreme Court for one of the most important state tax cases in decades: *South Dakota v. Wayfair*.

In this case, South Dakota is asking the Supreme Court to rule that states and local governments may require retailers with no in-state physical presence to collect sales tax. Ruling this way will require the Supreme Court to overturn long-standing precedent.

The amicus brief points out that states and local governments lost an estimated \$26 billion in sales tax revenue in 2015 because they were unable to collect owed taxes. The brief encourages the Court to overturn *Quill*. If the Court decides to replace the physical presence requirement, the brief asks the Court to adopt an economic nexus requirement—like the one the South Dakota legislature adopted.

**NCSL Contacts:** Max Behlke, Jake Lestock

### **Opioids Crisis Garner Further Federal Attention**

This week, the U.S. Senate Health, Education, Labor and Pensions (HELP) Committee will hold a full hearing on the Opioid Crisis: Leadership and Innovation the States. Guest witnesses are Governors Larry Hogan (R) of Maryland and Kate Brown (D) of Oregon. Last week, the president hosted an opioid summit to discuss the administration's efforts to confront the opioid crisis.

**NCSL Contacts:** Haley Nicholson (Health); Susan Frederick (Criminal Justice); Joan Wodiska (Education)

## Also of Note...

- This Democrat Is Running for Congress—but Not Against Trump – [The Atlantic](#)
  - Ryan splits with Trump on trade as GOP lawmakers move to block planned tariffs - [Washington Post](#)
- Inside the \$9.1 Million Effort to Bolster Republican Running in Trump Country – [The Wall Street Journal](#)
- Mueller subpoenas witness for documents tied to Trump, campaign associates: report – [The Hill](#)

[Read the Feb. 26, 2018 Capitol-to-Capitol.](#)

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We are always looking for interesting trivia about states, legislatures and American history. If you have some great facts, don't keep them to yourself. Let us know by clicking [here](#). We will likely include them in a future edition of Capitol to Capitol!

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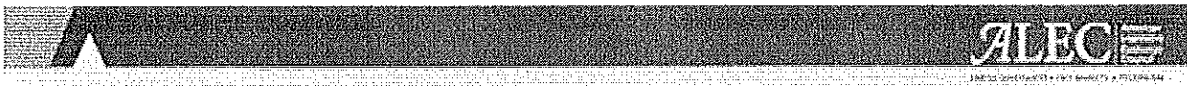
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## ALEC in Action

### ALEC Joins Janus Rally at Supreme Court

Robert Ordway | Commerce, Insurance and Economic Development



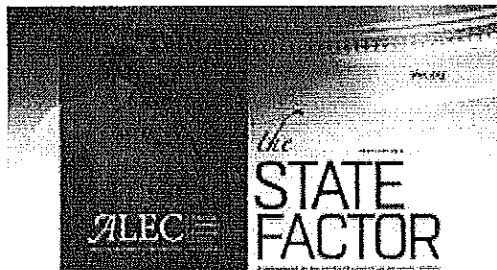
ALEC Staff joined workers, teachers, policy professionals and others outside the United States Supreme Court to rally in support of Mark Janus in his worker freedom case being heard by the court. Some see this case as an opportunity to expand worker freedom through choice, making it a potentially landmark decision in labor reform. To learn more about the history and importance of this issue, read the article linked below.

[Read Article](#)

## Recent Publications

### Stay Current with ALEC Publications

American Legislative Exchange Council



**The Time to Hesitate is Through: The Number of Laws Criminalizing Innocent Conduct is a Touch Too Much**

By Robert Ordway

#### Executive Summary

With the passage of the federal crime bill, the number of federal crimes has increased significantly. This report examines the impact of this increase on the federal criminal justice system and the need for reform. The report argues that the current system is overwhelmed and that the number of crimes should be reduced to a manageable level. It also discusses the need for a more efficient and effective criminal justice system.

The report also discusses the need for a more efficient and effective criminal justice system. It argues that the current system is overwhelmed and that the number of crimes should be reduced to a manageable level. It also discusses the need for a more efficient and effective criminal justice system.

ALEC scholars and directors work to provide you with education on the issues that matter to you. In the last month, ALEC has released two publications: *The Time to Hesitate is Through: The Number of Laws Criminalizing Innocent Conduct is a Touch Too Much*, which deals with overcriminalization and *mens rea* reform; and the *2017 State Tax Cut Roundup*, which concerns tax reform at the state level over the past legislative session. To check out all ALEC publications, follow the link below.

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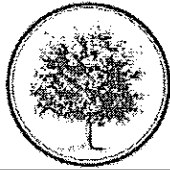
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## THE BUCKEYE INSTITUTE

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Robert Alt, president and chief executive officer, and Daniel J. Dew, legal fellow at The Buckeye Institute are featured speakers at the **Federalist Society's 2018 Ohio Lawyers Chapters Conference** on Friday, April 6.

The one-day conference still has a few spots left (register now to guarantee your seat at what promises to be a great event).

We hope you will consider attending, particularly if you have an interest in legal issues and/or either the Janus case or criminal justice reform-Robert's and Daniel's respective topics of discussion.

Friday, April 6, 10:30 a.m. - 5:00 p.m. at the Westin Columbus (310 High Street).

**Register**

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Buckeye's president and CEO Robert Alt will moderate the luncheon panel discussion on *Janus v. American Federation of State, County, and Municipal Employees, Council 31*. Alt attended oral arguments in the case, which were heard by the United States Supreme Court on February 26.

The case turns on the question of whether "agency fee" arrangements—which require workers to pay union fees to public sector unions to cover the unions' activities other than political action—violate the First Amendment.

The Buckeye Institute filed two **amicus** briefs in the case arguing that overturning *Abood v. Detroit Board of Education* is unlikely to cause significant decline in union membership or spending, with Alt saying that the case "has the potential to be one of the most important labor and free speech cases in the past 40 years."

The panelists are:

- William L. Messenger, staff attorney at the National Right to Work Legal Defense Foundation; and
- L. Camille Hebert, Carter C. Kissell professor of law at Moritz College of Law at The Ohio State University.

Buckeye's legal fellow Daniel Dew, author of "***Money Bail: Making Ohio a More Dangerous Place to Live***", will speak on the panel "Criminal Justice Reform: A Necessary Correction or a Dangerous Experiment?" The panel will look at a range of issues including over-criminalization, prison reform, bail reform, and sentencing guidelines reform.

The panel will be moderated by the Honorable Sharon Kennedy, associate justice on the Ohio Supreme Court, and panelists are:

- Dave Yost, Ohio state auditor;
- Daniel J. Dew, legal fellow at The Buckeye Institute's **Legal Center**; and
- Heather Childs, vice president, compliance, Capital One.

The conference will also feature opening remarks by Chad A. Readler, acting assistant attorney general of the United States Department of Justice Civil Division, and will include panels on originalism, federalism, and analyzing Ohio's judicial system and the Ohio Supreme Court.

###

*Founded in 1989, The Buckeye Institute is an independent research and educational institution - a think tank - whose mission is to advance free-market public policy in the states.*

*The Buckeye Institute is a non-partisan, nonprofit, and tax-exempt organization, as defined by section 501(c)(3) of the Internal Revenue code. As such, it relies on support from individuals, corporations, and foundations that share a commitment to individual liberty, free enterprise, personal responsibility, and limited government. The Buckeye Institute does not seek or accept government funding.*

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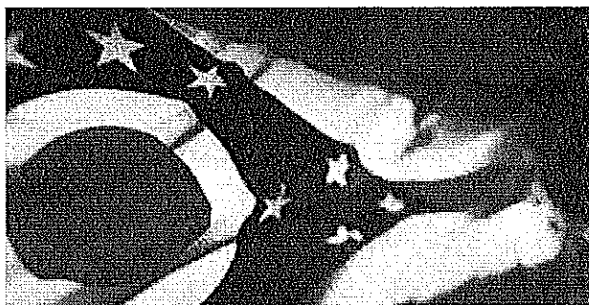
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## **April 6**

### **2018 Ohio Lawyers Chapters Conference**

10:30 AM - 5:00 PM

The Westin Columbus

The 2018 Ohio Lawyers Conference is now approved for **4.5 hours of CLE credit**. Reserve your spot now; beginning on April 4, the price will increase. This

will also be the last Federalist Society event in Columbus until late May or early June; do not miss it.

[RESERVE YOUR SPOT AT THIS LINK](#)

The complete schedule:

**Opening Remarks**

11:00 AM - 11:10 AM

- **Chad A. Readler**, Acting Assistant Attorney General, Civil Division, United States Department of Justice

**Introduction to Originalism and Federalism: Where Are the Courts Heading?**

11:10 AM - 12:15 PM

Since the 1980s, the originalist approach to constitutional interpretation has gained greater and greater acceptance in legal circles, and the number of originalists within the Supreme Court and the federal judiciary has grown. At the same time, originalism still has fierce critics who argue that it is an inappropriate method for constitutional interpretation. Likewise, in the last decades of the 20th century the U.S. Supreme Court breathed new life into a federalist view of the Constitution and the relationship between the federal government and the states. As with originalism, the federalist movement has its own strong critics. The panelists will discuss these two legal concepts. What are originalism and federalism, really? Are they valid or flawed? What developments may we see from the federal courts with regard to these concepts in the future—particularly in light of Neil Gorsuch's joining the U.S. Supreme Court in 2017? And how do these concepts apply to the work of ordinary legal practitioners?

- **Jonathan Adler**, Johan Verheij Memorial Professor of Law; Director, Center for Business Law and Regulation, Case Western Reserve University School of Law
- **Eric Murphy**, State Solicitor, Ohio
- **Peter M. Shane**, Jacob E. Davis and Jacob E. Davis II Chair in Law, Ohio State University Moritz College of Law
- **Hon. Gregory G. Katsas**, United States Court of Appeals, District of Columbia Circuit (**Moderator**)

#### **Lunch Discussion: *Janus v. Afscme***

Lunch Buffet: 12:15 PM - 12:30 PM

Discussion: 12:30 PM - 1:30 PM

Earlier this year the U.S. Supreme Court heard oral arguments in *Janus v. American Federation of State, County, and Municipal Employees, Council 31*. The case turns on the question of whether “agency fee” arrangements—which require workers to pay union fees to public sector unions to cover the unions’ activities other than political action—violate the First Amendment to the United States Constitution. The Supreme Court previously found such mandatory union fees to be constitutional in *Abood v. Detroit Board of Education* (1977). However, in 2016, the Supreme Court split 4-4 on this question in *Friedrichs v. California Teachers Association*. William L. Messenger, who delivered the oral argument on behalf of Mark Janus, will explain the legal arguments in favor of his client’s position. Professor Hebert will explain the legal arguments in favor of the union’s position. Mr. Messenger and Professor Hebert will also discuss how public sector unions could be impacted if the Supreme Court finds agency fee arrangements to be unconstitutional.

- **L. Camille Hebert**, Carter C. Kissell Professor of Law, Moritz College of Law at Ohio State University
- **William L. Messenger**, Staff Attorney, National Right To Work Legal Defense Foundation



- **Robert Alt**, President and Chief Executive Officer, The Buckeye Institute (**Moderator**)

### **Criminal Justice Reform: A Necessary Correction or a Dangerous Experiment?**

1:45 PM - 3:00 PM

Demand for criminal justice reform appears to be growing across the political spectrum. Bipartisan coalitions have formed to address overcriminalization, prison reform, bail bond reform, sentencing guidelines reform, and more. Panelists will explore these efforts. Are reforms truly needed, or does the criminal justice system already work well? If reforms are needed, what reforms are best—and are there reforms in other states that may be worth exploring in Ohio? What efforts have the Ohio General Assembly and the Ohio Supreme Court made to address criminal justice reform? Are there arguments that criminal law practitioners should be making in the courtroom in light of these legal developments?

- **Heather Childs**, Vice President, Compliance, Capital One
- **Daniel Dew**, Legal Fellow, Buckeye Institute
- **Hon. Dave Yost**, Ohio State Auditor
- **Hon. Sharon Kennedy**, Associate Justice, Ohio Supreme Court (**Moderator**)

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### **Analyzing Ohio's Judicial System and the Ohio Supreme Court**

3:15 PM - 4:30 PM

What methods of interpretation should Ohio courts use in constitutional matters and in cases involving disputes over statutory text? Does the Ohio Supreme Court have obligations or restrictions different from those facing federal courts? Are there systemic problems in

the Ohio judicial system that the Ohio Supreme Court needs to address? Has the Ohio Supreme Court improperly ignored established precedent or constitutional or statutory requirements in ways that need to be corrected? Can judges really maintain independence if they are elected by voters and must run in partisan primaries? If so, how? What role do lawyers play in building citizen trust and support in the judiciary? Candidates for the two current vacancies on the Ohio Supreme Court will share their views on how the Ohio Supreme Court should address these and other questions. They will also explain how their views are informed and shaped by the Ohio Constitution, the Ohio canons of judicial ethics, and past studies of the administration of justice in Ohio's courts.

- **Hon. Craig Baldwin**, Fifth District Court of Appeals
- **Hon. Mary DeGenaro**, Associate Justice, Ohio Supreme Court
- **Hon. Michael Donnelly**, Cuyahoga County Common Pleas Court
- **Hon. Melody Stewart**, Eighth District Court of Appeals
- **Douglas R. Cole**, Partner, Organ Cole LLP (**Moderator**)

## **Reception**

4:30 PM - 5:30 PM



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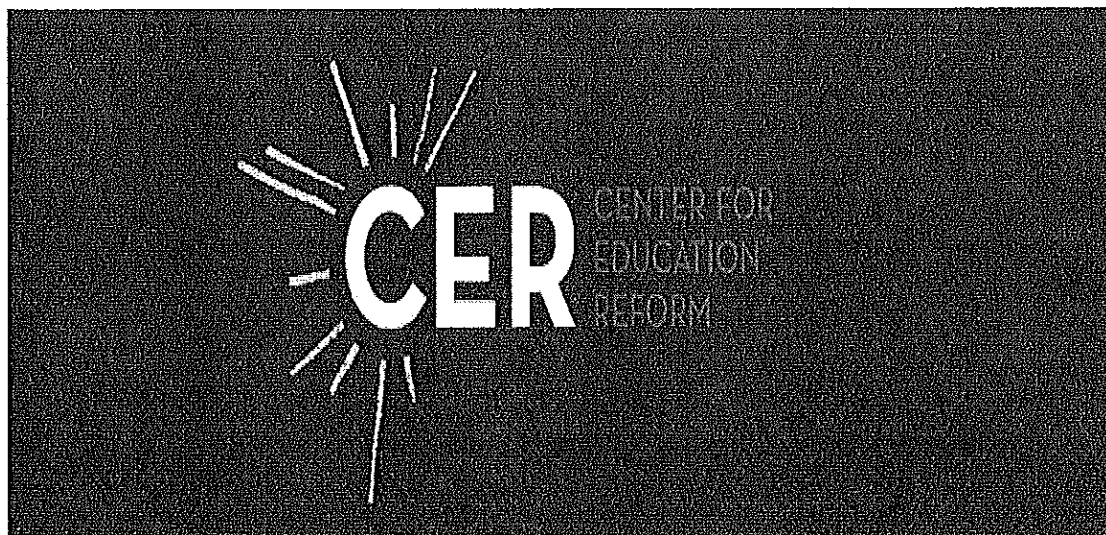
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# newswire@

A weekly report on education news and commentary you won't find anywhere else — from the nation's leading voice on education innovation and opportunity.

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**CAUTION:** This newswire contains serious and thought-provoking commentary on teacher pay and teacher strikes.

**IN LIGHT OF THE TEACHER STRIKES**, we are compelled to bring you some facts, research and data about teacher pay that we hope will enlighten and inform readers and help you avoid simply falling into the trap of saying to yourself, "Oh wow, this is awful that we pay teachers so poorly..." Indeed, we

do pay teachers poorly, and the pay scales and structures of how teachers are hired, rewarded, retained and paid later in retirement are completely broken. This is not an exhaustive analysis, just a smattering of thoughts that should propel you to do your research before jumping to conclusions.

**MOST ARE OUTRAGED BY TEACHER PAY LEVELS.** How bad are they, really? The answer is, It depends. Confirms the California education blog ED100: "It is difficult to accurately compare teacher pay with private sector pay, because they work differently. In a simple comparison, teacher salaries can seem worse than they are. Private-sector workers' retirement dollars flow through paycheck deductions and build up in a way that is easy to count. They show up on a monthly statement. They accumulate in an account... Teacher pensions, by contrast, don't accumulate. Like a life insurance contract, teacher pensions are a promise of future payments. The 'payout' on this contract varies mostly on how long the beneficiary lives." Incidentally, that payout results in teachers being able to retire and earn nearly their full salary for every year of their lives afterward.

**Then there are union dues**, which can be another \$600-\$1,000 a year, with no obvious benefit other than to be told why your profession is underpaid and encouraged to strike... This why tens of thousands of teachers oppose these compulsory paycheck fees, teachers like California's Rebecca Friedrichs who took her case to the Supreme Court and Illinois' Mark Janus who is awaiting the High Court's decision on his challenge (which will likely be handed down this June). (For background reading, see this op-ed by CER's CEO, Jeanne Allen, and listen to this podcast with Mark Mix, president of the organization that represents Mark Janus.)

**STRIKING FOR THE WRONG THING?** The teacher unions won't tell them, but the teachers who are striking across the country aren't going to solve anything even if the legislatures give them an annual raise. Why such a strident statement? Consider the following number: **\$1,000 PER PUPIL**. That's the annual cost of employee pensions. Imagine a school of 600 students

— that's \$600,000! Let's just say half those funds could go to teachers instead of the state pension coffers upfront. There are approximately 26 classroom teachers in a school that size, if we are talking a traditionally organized school. If you took just half of those funds and put them in teachers' salaries in that school, they'd be earning another \$11,000 a year each! Please note that these funds are above and beyond employee contributions, Social Security and taxes.

**LET'S TALK MORE ABOUT PENSIONS.** As teachers retire they will need to access the pensions they were promised and which the state has paid into. Those funds are paid by the current crop of teachers, to the tune of ten percent of their earnings. Let's take the average pay for an Oklahoma teacher — \$50,000 (which is equivalent to about \$76,000 in Stamford, Connecticut. For all you *New York Times* readers, the cost of living in the Northeast is between 40-60% higher). According to a study from the National Center for Analysis of Longitudinal Data in Education Research, "On average across state plans, over ten percent of current teachers' earnings are being set aside to pay for previously accrued pension liabilities. This amounts to a large reduction in real operating spending per student. . . . A significant fraction of the resources allocated toward teacher compensation in current public education budgets ***is not being invested in resources to educate today's students at all.***"

**WHAT TO DO?** Researchers who have been studying this issue for years argue that there are several policy changes that could favor teachers while they work and reduce the pension burden that accumulates on states that are constantly threatened by shifting economic conditions: "(1) transition teachers to defined-contribution retirement plans, (2) transition teachers to cash-balance retirement plans, and (3) tighten the link between funding and benefit formulas within the current defined benefit structure."

**IF YOU REALLY WANT TO GET SMART** on teacher pensions, you need to spend some time here. The solutions guiding what teachers make and what

the state spends, on top of pension costs. There have been dramatic increases in the past ten years in public pension and benefit spending.

**TIME TO RETHINK TEACHER PAY.** We're rethinking everything else — higher ed, K-12, workforce, school safety — so how about teaching? First, compensation is wildly uneven, being delivered to teachers through schools based on state rules governing experience and pay schedules that often see teachers meeting the peak of their salary years after most other professions, in their 50s! As respected researcher Marguerite Roza writes for the left-leaning Brookings Institution, "...a disproportionate amount of available salary funds is concentrated on teachers at the end of their career."

"District leaders are steering a disproportionate share of the highly constrained public education funds toward a small segment of the teaching force — the group of teachers *least* likely to leave teaching. The National Center for Education Statistics Teacher Follow up Survey reports that while fewer than four percent of teachers with more than 20 years' experience leave before retirement, 13.5 percent of teachers with under five years' experience do. The lower turnover among senior teachers might be a result of the higher salaries, or of proximity to pension earnings — we don't know for sure... But current distribution patterns leave few dollars for pay raises in a teacher's earlier years where turnover is most acute.

***"These practices not only result in lower salaries for most teachers, they also channel funds in ways that jeopardize equity across schools and create havoc for district financial stability."***

#### **DID YOU KNOW?**

"Most public-school teachers' salaries are determined by years in the classroom and degrees held. But a new study from the Manhattan Institute shows that the premium we pay for teacher experience is far greater than is typically acknowledged."

**In Memory.** Oh, Pat, you would have a field day with this newswire! A relentless data gatherer, truth seeker, amazing communicator and reporter, our dear friend and colleague Pat Korten (who we were able to lure out of retirement to help us with writing, editing and policy guidance, after having spent more than 30 years in the communications field), left us unexpectedly and far too soon last week. He would have edited this piece with depth and perfection, attributes he offered to us and to so many others in all his deeds. We will miss him, but know his abundant qualities are now being deployed by God.

Founded in 1993, the Center for Education Reform aims to expand educational opportunities that lead to improved economic outcomes for all Americans — particularly our youth — ensuring that conditions are ripe for innovation, freedom and flexibility throughout U.S. education.

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Washington, DC 20036

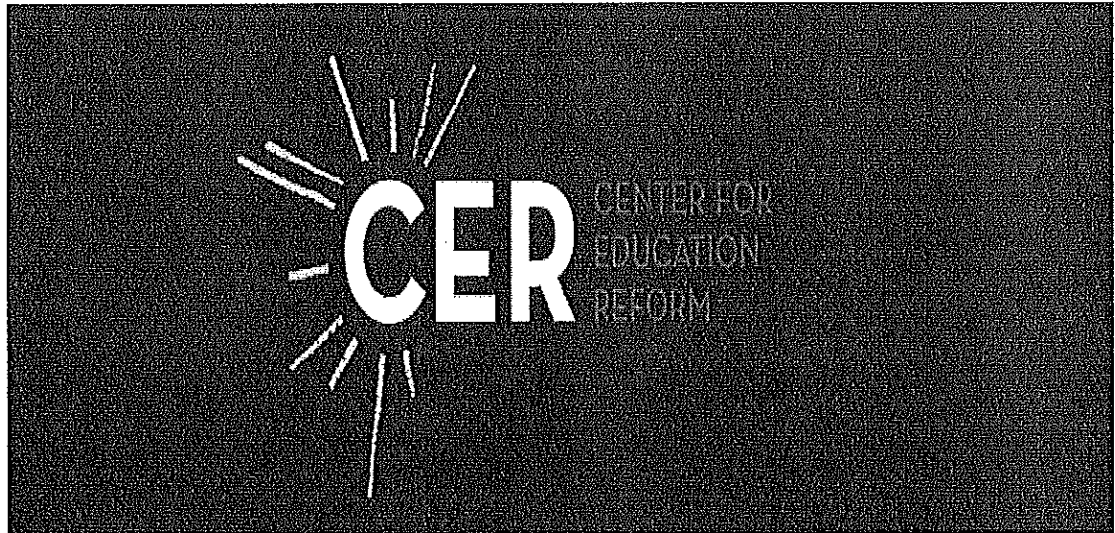
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## TOP NEWS

### Feature

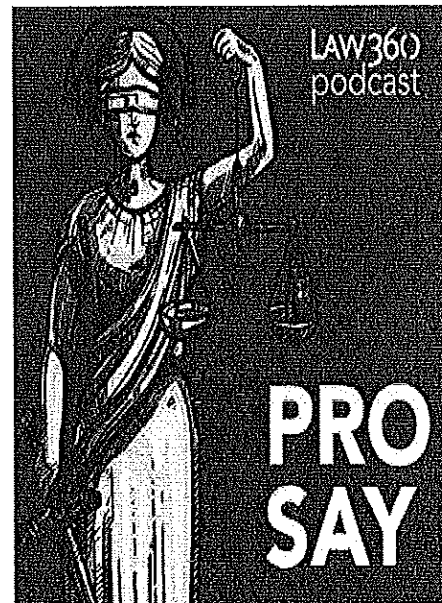
#### **For La. Judicial Nominee, The Safe Approach Turns Risky**

Wendy Vitter, a Republican lawyer tapped by President Donald Trump for the federal bench in Louisiana, may be in store for a tumultuous fight for her appointment despite following the typically pallid game plan employed by nearly all judicial picks when they appear before congressional confirmation hearings. [Read more »](#)

#### **Judiciary Panel To Push Mueller Bill, Grassley Says**

Senate Judiciary Committee Chairman Chuck Grassley intends to move forward on a bill to protect Special Counsel Robert Mueller from being fired, he said Thursday, despite his own misgivings with the measure and concerns in his party. [Read more »](#)

#### **Trump Demands Changes To EPA Air Pollution Programs**



[Listen to our new podcast here](#)

#### LAW FIRMS

Allen & Overy

Arnold & Porter

Baker McKenzie

President Donald Trump on Thursday instructed the U.S. Environmental Protection Agency to make it easier for states and industries to comply with national air emissions standards for pollutants like ozone, nitrogen dioxide and lead, a move promptly denounced by environmentalists [Read more »](#)

### **Senate Confirms Trump's Judicial Picks In Kan., Ky.**

The Senate confirmed President Donald Trump's picks for judgeships in Kansas and the Western District of Kentucky Thursday, sending two private practice attorneys to the federal bench. [Read more »](#)

### **Facebook Drops Fight Against Calif. User Privacy Proposal**

Facebook is backing off its opposition to a proposed ballot initiative in California that would allow consumers to find out more information about and have more control over the way businesses collect, use, share and sell their personal data, supporters of the initiative said. [Read more »](#)

### **Bill To Hike Judges' Salaries Heads To NJ Governor's Desk**

A New Jersey bill that would give salary increases to certain state workers, including judges who have gone without raises for nearly a decade and make less than their federal counterparts, passed both houses of the state legislature Thursday and now heads to Gov. Phil Murphy's desk. [Read more »](#)

## **BANKING & SECURITIES**

### **Dems Want Bank CEO Info On 'Quid Pro Quo' Army Sec. Deal**

A pair of senior House Democrats on Thursday asked a bank CEO who was reportedly promised the Army secretary's role in exchange for loans to former Trump campaign chairman Paul Manafort to hand over information on those loans, and his contacts

Bryan Cave  
Covington & Burling  
Cravath Swaine  
DLA Piper  
Dechert  
Drinker Biddle  
Faegre Baker  
Fenwick & West  
Foley & Lardner  
Frost Brown Todd  
Gibson Dunn  
Gupta Wessler  
Hinkle Law Firm  
Hogan Lovells  
Holland & Knight  
Jeffer Mangels  
Kirkland & Ellis  
Kostelanetz & Fink  
Kramer Levin  
Middleton Reutlinger  
Morgan Lewis  
O'Melveny & Myers  
Paul Hastings  
Potter Minton  
Ropes & Gray  
Saul Ewing  
Shearman & Sterling  
Sheppard Mullin  
Siegel & Yee  
SmithAmundsen LLC  
Steptoe & Johnson LLP  
Taft Stettinius  
Van Ness Feldman  
Wiley Rein  
Wilkinson Barker  
WilmerHale  
Womble Bond Dickinson

## **COMPANIES**

with the campaign, citing a letter from the U.S. Department of Defense they said had appeared to validate the allegation. Read more »

## ENERGY & ENVIRONMENTAL

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### **Senate Confirms Faegre Baker's Wheeler For EPA's No. 2 Post**

The U.S. Senate on Thursday confirmed Faegre Baker Daniels LLP attorney and lobbyist Andrew Wheeler to serve as the U.S. Environmental Protection Agency's deputy administrator, putting in place a potential replacement who could step in as acting EPA chief if Administrator Scott Pruitt is fired or steps aside. Read more »

### **EPA To Let Calif. Tribes Design Own Water Quality Standards**

Two California Native American tribes will now have the ability to develop their own water quality standards within their reservations under the federal Clean Water Act just as states are authorized to do, the U.S. Environmental Protection Agency announced Thursday. Read more »

## HEALTH & LIFE SCIENCES

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### **States Expanding Efforts To Tackle Prescription Drug Prices**

State enforcers have played an important role in policing the pharmaceutical industry and prescription drug prices in particular, and their work in the area continues to expand, officials said during an event in Washington, D.C. on Thursday. Read more »

### **Visium Took Medicare Tips With 'Grain Of Salt,' Jury Hears**

Former Visium Asset Management trader Christopher Plaford took health spending policy tips from expert consultant David Blaszcak with "a grain of salt," getting information from others alongside the man

3M Company  
AAR Corporation  
AT&T Inc.  
AbbVie Inc.  
Airbnb Inc.  
American Bar Association  
American Civil Liberties Union  
American Federation of Labor and Congress of Industrial Organizations  
American Gaming Association  
Apple Inc.  
Association of American Railroads  
Barnes & Noble Inc.  
Booking.com BV  
Burford Capital LLC  
CTIA  
Cable News Network Inc.  
Charter Communications Inc.  
Comcast Corporation  
Competitive Carriers Association  
Competitive Enterprise Institute  
DISH Network Corporation  
Deerfield Management Co. LP  
Duke Energy Corporation  
ESPN Inc.  
Environmental Defense Fund Inc.  
Equifax Inc.  
Facebook  
FedEx Corporation  
FirstEnergy Corp.  
Gentiva Health Services, Inc.  
Google Inc.  
Home Box Office Inc.  
International Brotherhood of Electrical Workers  
International Trademark Association  
Johnson & Johnson



charged with feeding secret Medicare and Medicaid information to Wall Street, a Manhattan jury heard Thursday. [Read more »](#)

## IP & TECHNOLOGY

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### **Booking.com Asks Full 4th Circ. To Nix USPTO Atty Fee Rule**

Booking.com is pushing for an unusual fast-track appeal to the en banc Fourth Circuit after it was ordered to pay the U.S. Patent and Trademark Office a whopping \$76,000 in attorneys' fees even after winning a case. [Read more »](#)

## MEDIA & ENTERTAINMENT

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### **Major League Unions Want In On Sports Betting Rodeo**

As a 25-year-old federal ban on sports gambling nears its possible demise in the U.S. Supreme Court, unions representing players in the four major professional sports leagues Thursday demanded an equal voice in the legalization conversation that has been dominated by the states, the leagues' governing organizations and the gambling industry. [Read more »](#)

### **Invalid Arguments Raised In E-Filing Row, News Outfit Says**

A legal news organization told the Seventh Circuit on Thursday that an Illinois county court clerk should not be allowed to raise new arguments to the appellate panel that she did not make to the district judge who ordered her to make e-filed legal complaints available to the public immediately. [Read more »](#)

## TRANSPORTATION & INFRASTRUCTURE

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Analysis

### **What To Watch As The Surface Transportation Board Staffs Up**

Kinder Morgan  
Knorr-Bremse AG  
Major League Baseball Inc.  
Major League Baseball Players Association  
Medtronic Inc.  
Microsoft Corporation  
Murray Energy Corp.  
NBCUniversal Inc.  
NFL Enterprises LLC  
National Basketball Association  
National Basketball Players Association  
National Express Transit Corp.  
National Football League Players Association  
National Hockey League  
National Hockey League Players Association  
Nationwide Mutual Insurance Co.  
New Jersey State Bar Association  
News Corp.  
Northern Mariana Islands Retirement Fund  
Novartis AG  
Nuclear Energy Institute  
Planned Parenthood Federation  
Procter & Gamble Co.  
Russell Reynolds Associates Inc.  
SAIC Inc.  
Sierra Club  
Sinclair Broadcast Group, Inc.  
Southeastern Pennsylvania Transportation Authority  
Straight Path Communications Inc.  
TBS International Limited  
Tax Foundation  
The DIRECTV Group, Inc.  
The Fertilizer Institute

The Surface Transportation Board is inching closer to filling out its ranks if President Donald Trump's two nominees are confirmed, enabling the rail regulator to more swiftly tackle long-anticipated new rules to stimulate rail competition and smooth out high-profile rate and service disputes along the country's railways. [Read more »](#)

## REAL ESTATE

### Analysis

#### **LA Decision 'Blows The Myth' About Property Rental Rules**

A recent decision siding with a property owner in a dispute over an alleged illegal Los Angeles hotel operation has brought front and center that the city's antiquated code actually says nothing about short-term rentals — despite the common view that apartments must be rented long-term — and comes as Los Angeles grapples with the question of regulation. [Read more »](#)

## EMPLOYMENT

#### **Senate OKs Trump Pick For Deputy Labor Secretary**

The U.S. Senate on Thursday confirmed Patrick Pizzella as deputy labor secretary, filling one of several top political positions at the U.S. Department of Labor that have remained unfilled more than a year into President Donald Trump's administration. [Read more »](#)

#### **Trump's Labor Dept. Issues First New Opinion Letters**

The U.S. Department of Labor's Wage and Hour Division issued its first set of new opinion letters in nearly a decade Thursday, laying out its stances on when workers should be paid for health-related rest breaks and time spent traveling for work, and what forms of lump-sum

Thomson Reuters Corporation  
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Toyota Motor Corporation  
Tribune Media Co.  
Turner Broadcasting System Inc.  
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U.S. Foods Inc.  
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Viacom Inc.  
VirnetX Holding Corporation  
Wabtec Corporate  
Wolters Kluwer  
XTO Energy Inc.  
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eBay Inc.

## GOVERNMENT AGENCIES

Bureau of Citizenship and  
Immigration Services  
Bureau of Indian Affairs  
Bureau of Labor Statistics  
Cherokee Nation  
Consumer Financial Protection  
Bureau  
Department of Commerce  
Eastern Band of Cherokee Indians  
Equal Employment Opportunity  
Commission  
European Union  
Executive Office of the President  
Federal Bureau of Investigation  
Federal Communications  
Commission  
Federal Energy Regulatory  
Commission  
Federal Labor Relations Authority  
Federal Reserve System  
Federal Trade Commission

payment should be garnished for child support.  
[Read more »](#)

### **Labor Chief Defends Spiking Tip Pool Data To Senators**

Labor Secretary Alex Acosta on Thursday defended his decision not to disclose the share of workers' tips that the U.S. Department of Labor estimated employers would have pocketed under its December proposal to undo Obama-era restrictions on tip pooling in a relatively cordial hearing before a U.S. Senate appropriations subcommittee. [Read more »](#)

### **Cuomo Signs Law Beefing Up Public Unions Ahead Of Janus**

New York Gov. Andrew Cuomo signed legislation Thursday bolstering the rights of public-sector unions in the state, a preemptive strike against an anticipated decision by the U.S. Supreme Court siding with worker Mark Janus in his challenge to the constitutionality of so-called agency fees, a ruling that could deal a major blow to organized labor. [Read more »](#)

### **NJ Senate Sends Sick Leave Bill To Gov. Murphy's Desk**

New Jersey legislation that would require employers to provide earned sick leave to their workers in the state is now bound for Gov. Phil Murphy, with the state Senate on Thursday passing the bill that supporters have said would protect employees and public health in general. [Read more »](#)

## **COMPETITION**

### **AT&T-Time Warner Expert Says DOJ Has 'No Statistical Basis'**

AT&T and Time Warner sought Thursday to eviscerate every part of the economics of the U.S. Department of Justice challenge against their merger in D.C. federal court, presenting their own expert witness to systemically criticize virtually every conclusion, and every

Food and Drug Administration  
Government Accountability Office  
Illinois Supreme Court  
Indian Health Service  
Internal Revenue Service  
International Trade Administration  
Iowa Legislature  
Jamestown S'Klallam Tribe  
La Jolla Band of Luiseno Mission Indians  
Morongo Band of Mission Indians  
NAFTA  
National Economic Council  
National Labor Relations Board  
Navajo Nation  
New Jersey Judiciary Court System  
New Jersey Legislature  
New York Attorney General's Office  
Occupational Safety and Health Administration  
Rincon Band of Luiseno Mission Indians  
Rural Utilities Service  
St. Croix Chippewa Indians of Wisconsin  
State Intellectual Property Office of the PRC  
Surface Transportation Board  
Texas Department of Public Safety  
U.S. Department of Agriculture  
U.S. Department of Defense  
U.S. Department of Energy  
U.S. Department of Health and Human Services  
U.S. Department of Homeland Security  
U.S. Department of Justice  
U.S. Department of Labor

unconsidered variable, to come from his counterpart. [Read more »](#)

## CONSUMER PROTECTION

### **OMB Head At Helm Thwarts CFPB Autonomy, DC Circ. Told**

The D.C. Circuit judges hearing the former acting Consumer Financial Protection Bureau director's case to regain her post indicated in court Thursday that they are still weighing whether the 2010 law that created the CFPB carves out an exception to the 1998 law governing federal appointments. [Read more »](#)

### **Mulvaney Quizzed By Senators On CFPB Leadership, Data**

Consumer Financial Protection Bureau acting Director Mick Mulvaney told senators Thursday that if they don't like the job he is doing as the nation's top consumer financial watchdog, they must change the law to put him on more of a leash, as he fielded questions about the agency's rulemaking, enforcement activity, data collection and more. [Read more »](#)

## INTERNATIONAL TRADE

### **Trump Reconsidering TPP As NAFTA Talks Trudge On**

A number of Republican senators revealed Thursday that President Donald Trump is considering rejoining the Trans-Pacific Partnership, the regional trade accord he abandoned soon after taking office before shifting his focus to reshaping the North American Free Trade Agreement. [Read more »](#)

### **Feds Look To Curb Trade Barriers For US Hardware Makers**

The U.S. Department of Commerce is developing a plan to counteract trade barriers that "arbitrarily discriminate" against U.S. producers of information and communication technology hardware, according to a filing

U.S. Department of the Interior  
U.S. Department of the Treasury  
U.S. Environmental Protection Agency  
U.S. House of Representatives  
U.S. Immigration and Customs Enforcement  
U.S. Patent and Trademark Office  
U.S. Senate  
U.S. Supreme Court  
Wage and Hour Division  
World Trade Organization

published in the Federal Register on Thursday.  
[Read more »](#)

### **US-China Spat Could Imperil Trade Growth, WTO Boss Warns**

The ever-escalating standoff between the U.S. and China may pose a significant threat to global trade at large if left unchecked, World Trade Organization Director-General Roberto Azevedo said Thursday, on the heels of a report that the rising tensions are already creating waves. [Read more »](#)

## **TAX**

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### **Future Tax Regulations No Longer Exempt From OMB Reviews**

Proposed tax regulations will no longer be exempt from the review process most other federal regulations undergo, the Office of Management and Budget and the U.S. Department of the Treasury announced Thursday in a memorandum of agreement. [Read more »](#)

#### **Analysis**

### **Tax Court Unlikely To Be Swayed By 1st Circ. IRA Ruling**

The U.S. Tax Court and the First Circuit recently reached opposite conclusions in two similar cases on the taxability of individual retirement account contributions, but the Tax Court may be hard-pressed to follow the appellate court's more taxpayer-friendly decision if it means weakening an important tool for the Internal Revenue Service to enforce tax laws. [Read more »](#)

### **IRS To Issue Tax Law Forms And Instructions By Summer**

The Internal Revenue Service will publish new forms and instructions related to the recent tax overhaul legislation by this summer, the agency's top official told lawmakers on Thursday. [Read more »](#)

### **OMB May Review Pass-Through Provision, Treasury GC Says**

The pass-through provision included in the recent federal tax overhaul legislation likely will be reviewed by the Office of Management and Budget, the U.S. Treasury Department general counsel told senators on Thursday. [Read more »](#)

### **NJ Assembly Passes Charitable Donation SALT Workaround**

A bill in the New Jersey Legislature that would provide property tax credits to taxpayers making certain qualified charitable donations — an effort to counter a provision in the federal tax reform law that limits federal state and local tax deductions to \$10,000 — passed both houses Thursday, making its way to Gov. Phil Murphy. [Read more »](#)

## **IMMIGRATION**

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### **US Gov't Is Sued Over Citizenship Question On Census**

The Trump administration is violating the U.S. Constitution and several federal laws by adding to the 2020 census a question about whether or not an individual is a U.S. citizen, according to a complaint filed in Maryland federal court on Thursday. [Read more »](#)

### **Migrant Caravan Requires More Border Agents, Congress Told**

Law enforcement representatives urged Congress to increase resources for border enforcement at a House Oversight Committee hearing Thursday to deal with a caravan of Central American migrants trying to cross the southwest border without authorization. [Read more »](#)

### **Trump Admin. Can't Deny DOJ Grants To 'Sanctuary' Cities**

A California federal judge granted a win to so-called sanctuary cities Wednesday by imposing a permanent, nationwide ban that

would prevent the Trump administration from placing certain immigration-related conditions on community policing grants administered by the U.S. Department of Justice. [Read more »](#)

### **Iowa Governor Signs Anti-Sanctuary City Law**

Iowa Republican Gov. Kim Reynolds on Tuesday signed into law a bill that would penalize sanctuary cities by cutting off all of their state funding. [Read more »](#)

### **Married Couples Sue Gov't For Detaining Immigrant Spouses**

A putative class of married couples has accused the government in Massachusetts federal court of unlawfully detaining and trying to deport immigrant spouses who are seeking permanent residency in the U.S. and are married to U.S. citizens. [Read more »](#)

## **NATIVE AMERICAN**

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### **Senate Panel OKs Indian Health Service, Contract Bills**

The Senate Committee on Indian Affairs approved bills on Wednesday that would overhaul the embattled Indian Health Service and give Native American tribes more control over how they run federal programs under contracts with the federal government. [Read more »](#)

### **Task Force Makes 11 Drug-Related Arrests On Tribal Lands**

The U.S. Department of the Interior on Wednesday announced 11 drug-possession arrests after a raid in New Mexico by a new joint task force that was launched as part of the federal government's steps to tackle the opioid crisis in Native American communities. [Read more »](#)

## **TELECOMMUNICATIONS**

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Feature

## **What's In Store For FCC Media Ownership Deregulation**

Under Chairman Ajit Pai, the Federal Communications Commission has set an aggressive agenda of relaxing or wholly scrapping rules intended to limit the influence of nationwide broadcasters and to keep media consolidation at bay. [Read more »](#)

## **Wireless Industry Group Presses FCC On High-Band Auctions**

The CTIA, an industry group representing wireless companies, is encouraging the Federal Communications Commission to quickly finalize plans for upcoming auctions in the 24 and 28 gigahertz bands and set dates for auctions in other high-frequency bands, in hopes of freeing as much spectrum as possible for the race to 5G. [Read more »](#)

## **FCC Commish Urges USDA Cooperation On Rural Broadband**

The U.S. Department of Agriculture must coordinate with the Federal Communications Commission to ensure a newly created \$600 million pilot program for rural broadband deployment is administered effectively, FCC Commissioner Michael O'Rielly said Wednesday. [Read more »](#)

## **EXPERT ANALYSIS**

### **Unraveling FDA's Recent Flurry Of Tobacco Activity**

Last month, the U.S. Food and Drug Administration issued three advance notices of proposed rulemaking related to nicotine. However, tackling any of the issues raised would be a significant undertaking on its own, and some are skeptical that any of the proposals will move forward, says Jonathan Havens of Saul Ewing Arnstein & Lehr LLP. [Read more »](#)

## **What Cos. Need To Know About China's New Market Regulator**



As part of a sweeping government restructuring plan announced last month, China is merging a range of government agencies into the new State Market Regulatory Administration. Multinational companies doing business in China must pay close attention to how functions within the newly consolidated agency will be organized, say attorneys with Ropes & Gray LLP. [Read more »](#)

### **Finance-Savvy Millennials Are Shifting Business Of Law**

The impact of millennials has already been felt within the legal community by our eagerness to embrace new technologies. One way that we will have potentially even more impact lies in our willingness to embrace new ways of developing business and financing law, says Michael Perich of Burford Capital LLC. [Read more »](#)

## **LEGAL INDUSTRY**

### **Firms Without Women Won't Get Our Business, GCs Say**

If a law firm hasn't made gender diversity a priority in its teams handling corporate cases, it won't be competitive for company business, a panel of general counsel for major companies said at a conference on women in the courtroom in Chicago Thursday. [Read more »](#)

### **No-Poach Guidance Caught In-House Counsel Off Guard**

Corporate legal departments were caught off guard by the U.S. Department of Justice's 2016 guidance signalling that the agency would criminally prosecute certain employment-related agreements between companies, and a panel of in-house leaders said Thursday they're waiting for further developments in the space. [Read more »](#)

### **Minority Lawyers Group Kicks Off Leadership Diversity Effort**

The Minority Corporate Counsel Association has partnered with Microsoft Corp. to launch a new data-driven initiative designed to give law firms and legal departments a road map for how to cultivate a more diverse bench of leaders, the organization said in a statement Thursday. [Read more »](#)

### **Fenwick To Move NYC Office To Tech Hub Flatiron District**

Fenwick & West LLP said Thursday it will more than double the footprint of its New York City office when it relocates to the technology-friendly Flatiron District, a move the firm said will benefit its tech and life sciences clients. [Read more »](#)

### **Law360's Weekly Verdict: Legal Lions & Lambs**

Hogan Lovells LLP topped this week's legal lions list, guiding client Novartis on an \$8.7 billion deal to take over gene therapy company Avexis, while Kirkland & Ellis LLP ended up a legal lamb after a jury found its client Apple willfully infringed a network security patent, potentially putting the tech giant on the hook for more than \$1.5 billion in damages. [Read more »](#)

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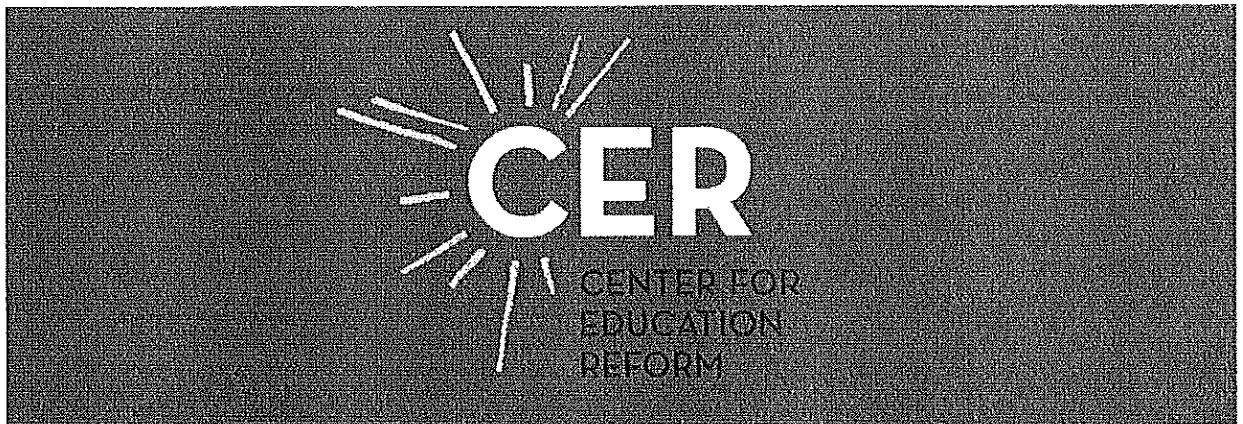
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May 8, 2018

National Charter Schools Week 2018, Day 3:

## **The UNIONS, and their impact on Teachers**

Recognizing charter schools as well as those who enable their progress on this #TeachersDay 2018 must include a recognition of those that stand in the way of yet more progress- the National Education Association and the exceptionally hostile American Federation of Teachers (AFT).

It's no secret these two groups have always opposed and spread falsehoods about charters, working hard to convince teachers that they don't serve kids. That has largely failed, but lately, the rhetoric and attacks by the union bosses have taken a troubling, destructive turn. Their increased hostility can only be a result of one thing – a threat to their power. Charter schools have gained strength and acceptance across the nation, threatening the unions' power, influence, money and membership. NEA membership declined in 27 states last year. The AFT membership fell by 69,000 in 2016. And within a few short weeks, the US Supreme Court will decide in Janus vs AFSCME if the US constitution intended for union fees to be involuntarily extracted from the nation's teachers. (We think our Founders did not).

But rather than evolve and adapt to changes in the 180-year-old factory model system of education, rather than create a new path for teachers that supports their growth over mandating uniformity and lock step acceptance of rules, they have dug in their heels and decided character assassination and anti-charter propaganda is best, even declaring unfathomably that the charter school movement is rooted in racism and in the Jim Crow politics of the South's past!

Over at their palatial building on 16th Street, NW in Washington the NEA has been sending missives out to teachers based on last year's policy statement that – in the union mind and the union mind only - it ~~is~~ "jeopardize[s] student success, undermines public education and harms communities" and thus they must "arm our communities and our educational professionals with the tools and voice we all need to ensure a better future for our youth."

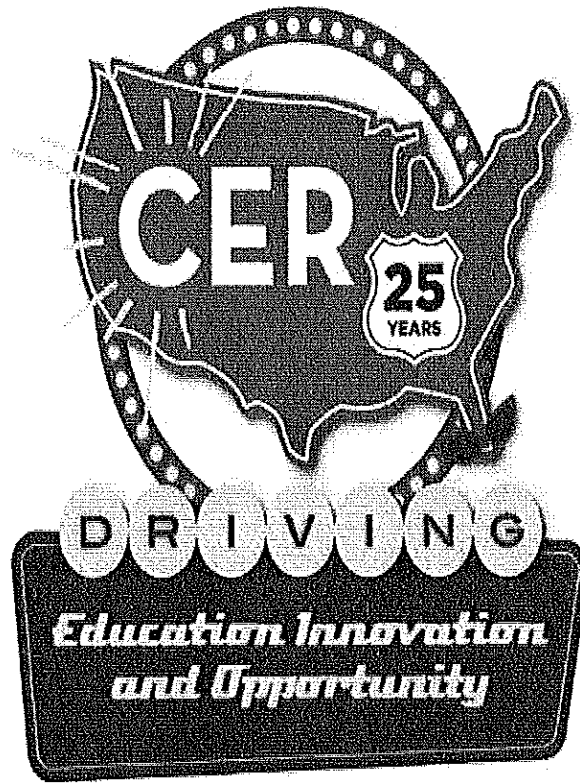
Of course, those tools should be making sure every child gets a great education no matter what the vehicle, but that would never occur to a union who derives its power from mandatory assignment and forced membership.

As absurd and as unfounded as their comments and actions are, they must not go unchallenged. Nor should we ignore that they have tried to tie their school-funding/teacher-pay protests to charters. Make no mistake, these walkouts, sickouts and strikes are intended to build their union, pushing charter school teachers to follow them. Many have called them out in the news and in podcasts with important education leaders.

The good news is that there is help for charter schools and their teachers who want to resist the forced actions of unions to take over these life-saving schools.



The really good news however is that teachers love the autonomy and focus that charters allow them to teach and innovate without being bound by union rules that only hamstring those efforts. That's why well over 90% of charter schools remain non-union and, as a result, retain the freedoms and flexibilities entailed in that independence. As such, charter schools continue to outperform traditional public schools at a rate that has helped drive advances in learning and pedagogy. Charter schools change lives, thanks to the teachers in them. And, today, on Teacher Appreciation day as well as Day 3 of [#CharterSchoolsWeek](#), that's worth celebrating!



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## The Aerospace States Association BRIEFING

In affiliation with



Good morning Kirk Schuring

May 14, 2018

### POLICY NEWS - FEDERAL

Advertisement



#### Judges Uphold DOT Approval For Norwegian Air To Operate In US.

USA Today (5/11, Jansen) reported that a federal appeals panel "upheld Friday the Transportation Department's approval for Norwegian Air International to serve the US." Four unions representing over 135,000 aviation workers had "challenged the decision by arguing that Norwegian was avoiding labor laws through its unusual corporate structure," but a three-judge panel on the DC Circuit Court of Appeals "ruled that neither federal law nor international agreement allowed the department to reject an airline application, if the carrier satisfied the requirements." The Department of Transportation did so in 2016. The unions have been concerned that Norwegian "represented unfair competition because it could hire crews for

lower wages." Norwegian, meanwhile, "contends it will benefit economies on both sides of the Atlantic by ordering \$18.5 billion of Boeing aircraft and hiring hundreds of US workers."

#### WTO Ruling In Favor Of US Complaint Against Airbus Expected Within Days.

The Wall Street Journal (5/11, Michaels, Wall, Subscription Publication) reported that the US is expected to win a World Trade Organization (WTO) procedural ruling as part of its dispute over the billions of dollars in European Union (EU) subsidies for Airbus. The US has argued that without \$22 billion in illegal EU subsidies, Airbus would not have



grown into a rival to Boeing. Penalties against Airbus could be as much as a billion dollars or more. The EU has filed a separate case against the US and The Boeing Company citing Pentagon and NASA funding as well as state and local tax breaks, and that case is expected to be addressed in the coming months. The WTO ruling could come as soon as Monday, and may clear the way for the US to impose penalties of several billion dollars annually against the EU

### **FAA Administrator Speaks At Uber Elevate Summit.**

Wired (5/12, Stewart) reported that FAA Acting Administrator Dan Elwell spoke at Uber's annual Elevate Summit in Los Angeles, where the ride-sharing company presented its vision of future intra-urban drone transportation networks, or "flying taxis." Among the "nearly 1,000 attendees" from various organizations and institutions, the FAA was "unlike the other participants, who were all gung-ho about the possibility of launching passenger-stuffed drones off the top of tall buildings." Instead, the FAA "stressed that compared to smaller drones, the path to regulating human flight is likely to be different, harder, and longer." Elwell said the agency will focus on safety in regulating the transport of humans via electric VTOL aircraft proposed by Uber. Elwell stated, "You have more commitment, top to bottom," at the federal agencies "to bring these technologies to viable life than I've ever seen."

Re/code (5/11, Bhuiyan) reported that Uber "wants to begin testing its flying cars in 2020 – that's two years away – and have a network up and running in some places by 2023." While "federal regulators said that timeline may not be 'too ambitious'...they wouldn't yet commit to it because they have 'zero tolerance' for any degradations in safety."

Bloomberg News (5/11, Newcomer) reported that Uber has partnered with five air taxi manufacturers, including one owned by The Boeing Company. The consensus among the companies "building flying cars was that Uber's 2023 limited commercialization deadline is aggressive, but possible."

Fox News (5/11, Salazar) reported Uber is also partnering with NASA and is "supplying information to the agency so that it can simulate the flight of a small passenger-carrying aircraft within the airspace of Dallas Fort Worth International Airport, according to two recent statements by NASA." This Urban Air Mobility project will work on "a safe and efficient air transportation system," NASA stated, "where everything from small package delivery drones to passenger-carrying air taxis operate over populated areas, from small towns to the largest cities."

### **Bolton: US May Sanction European Companies That Continue To Do Business In Iran.**

The Daily Mail (UK) (5/13, Chambers) reports that National Security Advisor John Bolton said on CNN's "State of the Union" that "it's possible" the Trump administration may impose sanctions on European companies that do not cease doing business with Iran by the end of the year. Companies in certain sectors have between 90 days to six months to wind down operations in Iran or run the risk of facing stiff penalties now that the United States is no longer a party to an international accord that lifted sanctions on Tehran." In a statement, Rolls-Royce confirmed that it is examining "potential implications" of the US decision, adding that it "conducts business in all countries, including Iran, in accordance with all relevant UK, EU or other national sanctions and export control regulations."

## **AVIATION**

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## **Iran Awaits Word From Airbus On \$20 Billion Aircraft Deal.**

Reuters (5/11, Hafezi) reported that Iran expects to hear from Airbus in the "coming days about the fate of an order for 100 planes that looks to have been wrecked by the United States' decision to reinstate sanctions on the Islamic Republic." The deal announced in December 2016 was potentially worth up to \$20 billion in list prices, but only three aircraft of the 100 have been delivered so far. The US has announced its intention to revoke the export license required to sell commercial aircraft to Iran, and although "Airbus is a European firm, its aircraft use US components and technology." According to a senior adviser to Iranian Roads and Urban Development Minister Asghar Fakhrieh-Kashan, "Airbus will announce its decision in the coming days." The loss of US export permits and "confirmation that Iran has not paid a deposit, as previously reported by Reuters, could force Airbus to tell investors the deal cannot go through."

## **Air Italy Takes Delivery Of Boeing 737 Max As Part Of Plan To Compete With Alitalia.**

USA Today (5/12, Mutzabaugh) reported that Air Italy took delivery of its first Boeing 737 Max this past Friday, the "first of 20 Air Italy has on order, part of an broader plan to grow its fleet by 50 aircraft by 2022." The 737 Max will be used for "shorter routes within Italy and Europe." Air Italy is undertaking an "aggressive growth plan" linked to Qatar Airways' purchase of a 49 percent stake in the carrier last year. Qatar Airways CEO Akbar Al Baker "has made little secret that he hopes grow Air Italy into the nation's top airline as Alitalia struggles through yet another bankruptcy reorganization." Air Italy plans to make Milan Malpensa its main hub and "plans to quadruple its fleet and passenger numbers by 2022." Air Italy also plans to maintain a "reinforced base" at Rome's Fiumicino airport for long-haul routes.

## **US Marine Corps To Take Delivery Of First Operational CH-53K This Week.**

FlightGlobal (5/12, Reim) reported that the US Marine Corps is scheduled to "take delivery of its first production version of the CH-53K King Stallion from Sikorsky early next week." The heavy-lift helicopter will be received at Marine Corps Air Station New River in North Carolina, where the "USMC said it plans to put the aircraft through its Supportability Test Plan by conducting a logistics assessment on the maintenance, sustainment and overall support of the King Stallion."

## **Spanish Union Ends Talks With Ryanair.**

Reuters (5/11, Humphries) reported that the Spanish pilots' union SEPLA has "broken off talks with Ryanair" over a union recognition agreement, and plans to file a lawsuit against the carrier over Spanish contracts. Ryanair recognized unions for the first time in December, but "while it has come to agreements in Britain and Italy, it is still working towards deals with unions in other major centers such as Ireland and Spain."

## **London Southend Airport Trials System To Detect "Rogue" UAV Users.**

BBC News Online (UK) (5/13) reports that London Southend Airport has conducted successful trials to "track and identify 'rogue' drone users" that have caused "an increased safety risk with up to four sightings in London airspace a week." The new surveillance technology can identify UAVs further away from airports, and according to an

airport spokeswoman, it also "identifies exactly where the operator is located." The system includes "two airfield sensors which offer 360-degree coverage up to 4km" in any weather condition.

**UAVs Seen As "Major Threat" To Sports Stadiums.** The Washington Post (5/10, Laris) reported that major league sports teams "are increasingly anxious about the more than one million drones government officials estimate are already in use," and are "asking Congress to give local law enforcement permission to seize or reroute drones flying over stadiums." The Department of Defense was "freed over the past two years, in certain cases, from prohibitions against intercepting electronic communications and 'sabotaging' aircraft" in order to address the potential threat from UAVs. Also, the Trump Administration has "proposed giving the departments of Homeland Security and Justice similar powers." Allowing UAVs to be "interrupted raises safety issues," according to some safety experts, and there are concerns that "stray signals from anti-drone defenses could interfere with cellphones or radios, possibly affecting heart monitors or airplane navigation equipment."

### **AFRL Showcases Automated Aircraft Maintenance System.**

ExecutiveGov (5/11, Martin) reported that the US Air Force Research Laboratory's (AFRL) Manufacturing Technologies Division has "showcased a new a robotic system for aircraft maintenance." The Advanced Automation for Agile Aerospace Applications (A5) robot uses sensor feedback to "perform factory work in localized environments, Wright-Patterson AF Base said Thursday." The 22,000 pound robot is expected to reduce aircraft coating removal times by as much as 50 percent. According to AFRL Automation and Robotics Program Manager Rick Meyers, the A5 is "mounted on a mobile platform that allows it to move about an aircraft." The A5 is nearing the end of Phase I development, and is "scheduled to undergo additional testing on a C-17 aircraft in fall this year."

### **Companies Raise Funds To Design Bottle For Alcoholic Beverages In Space.**

The Daily Mail (UK) (5/11, Cahillane) reported that Saber Astronautics Australia and 4 Pines Brewing are raising money to fund a new bottle design "based on fuel tanks to defy challenges of drinking in zero gravity" and allow astronauts to "enjoy [an] alcoholic beverage in space." According to the companies' Indiegogo posting, they hope to make a = 2bottle so astronauts and future space tourists can drink in space just as we do on land." According to an email, the developers are working on "two bottle designs which have had several rounds of industrial design with prototypes" and are scheduled for testing aboard parabolic flights early next year.

**FROM ASA**



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## SPACE

### **SpaceX Successfully Launches, Lands Falcon 9 Block 5.**

Reuters (5/11, Rouletter) reported that the upgraded Block 5 version of SpaceX's Falcon 9 rocket "made its debut launch on Friday from Florida's Cape Canaveral carrying a communications satellite for Bangladesh into orbit." The Block 5 featuring around "100 upgrades for greater power, safety and reusability than its Block-4 predecessor" launched at 4:14 p.m. EDT from Kennedy Space Center (KSC) in Florida. The Falcon 9's first stage booster landed on an unmanned platform offshore around nine minutes after liftoff, and the Bangladeshi government's Bangabandhu-1 communications satellite successfully entered its intended orbit 33 minutes after launch. Friday's launch was SpaceX's ninth of the year. There had been five such missions at the same point in 2017, according to SpaceX CEO Elon Musk. The Block 5 booster is designed to be "reused at least 10 times with minimal refurbishment between flights, allowing more frequent launches at lower cost – a key to the SpaceX business model." SpaceX has safely landed 24 boosters and reflown 11 of them. The Block 5 Falcon 9 is expected to be SpaceX's first vehicle to "satisfy NASA's standards for its Commercial Crew Program" to carry astronauts to the ISS. NASA requires seven successful flights to attain certification for a manned mission. The rocket also will be used to launch "US Air Force global positioning satellites and other high-value, military and national security payloads."

Spaceflight Now (5/11), Bloomberg News (5/11), USA Today (5/11), and The Orlando (FL) Sentinel (5/11) hosted video of the launch.

***SpaceX Plans To Fly Around 300 Block 5 Missions Before Retiring Falcon 9.*** SPACE (5/11, Wall) reported that during a prelaunch call with reporters, Musk said that Block 5 first stages may be able to fly as many as 100 times with some refurbishment. According to Musk, the rocket's first and second stage Merlin engines have around eight and five percent more thrust, respectively, than their Block 4 counterparts. Musk added that the new Falcon 9 is "really better in every way than the Block 4," and has been designed to be "the most reliable rocket ever built." The Block 5 will be SpaceX's last version of the Falcon 9, which is eventually to be discontinued in favor of the Big Falcon Rocket (BFR) still in development. SpaceX is likely to produce between 30 to 50 Falcon 9 Block 5s, "which together will fly on the order of 300 missions before they're entirely superseded by the BFR, Musk said during yesterday's call."

CNBC (5/11, Sheetz) reported Musk stated on the prelaunch call that SpaceX is "on track to be double our launch rate last year."

### **NASA Continues To Call For Delay In Decadal Survey.**

Space News (5/11, Foust, Subscription Publication) reported that due to uncertainty over the status of the James Webb Space Telescope (JWST) and Wide-Field Infrared Survey Telescope (WFIRST), NASA continues to "suggest that the next decadal survey for astrophysics be postponed, a move opposed by many astronomers." The decadal survey identifies "priorities in astrophysics research and prioritizes both ground-based and space-based

observatories to carry out that work." The JWST and WFIRST are identified by the survey as flagship missions for the next decade, and NASA officials including Associate Administrator for Science Thomas Zurbuchen "are concerned that the next decadal survey committee may not be able to effectively prioritize missions in the next decade due to uncertainties in the status of JWST and WFIRST." A two-year delay of the study, they argue, could help mitigate these concerns. The next decadal survey, Astro2020, is scheduled to begin around the end of this year with the "selection of a chair of the committee that leads the study," with the report completed and released by late 2020. JWST is now scheduled to launch in May 2020, while the White House has proposed canceling the WFIRST mission. However, many astronomers "have no desire to delay Astro2020," and a delay would have to be coordinated with supporting agencies such as the National Science Foundation (NSF).

### **Experts Consider Potential For First "Space Trillionaire."**

Aerospace America (5/11, Risen) reported on discussions at last week's Humans to Mars Summit in Washington, DC centered on space entrepreneurship. During the event, Sen. Ted Cruz (R-TX) said, "I believe the first trillionaire will be made in space." While attendees and presenters "seemed optimistic about growth" of the space industry, some were "less sure about Cruz's trillionaire prediction." Star Century Partners founding partner Rick Tumlinson estimated that initial Mars exploration efforts will not be overly profitable due to the planet's distance from Earth. Low gravity manufacturing, Tumlinson pointed out, could be carried out on the lunar surface or a space station much closer to Earth. He also said, "As far as I've seen there is no business plan that (addresses) being able to go to Mars and do something of financial value." Explore Mars co-founder Chris Carberry sees the "immediate incentive to visit Mars" as exploration versus profit, and suggests that "we don't quite see what the market would be for Mars, but it's the inspirational driver, the science driver, the future-of-humanity driver." Still, Carberry believes that there "will be a space trillionaire, it's just a matter of whether someone gets there first making money the traditional way on Earth."

### **NASA Releases New Image Of Saturn's Rings, Moons.**

SPACE (5/11) reported that NASA has released a new image of Saturn's rings and its moons Mimas, Janus, and Tethys taken by the Cassini spacecraft in 2006. The photograph shows Saturn's "arcing limb, its razor-thin rings (seen edge on) and three of Saturn's many moons" from a distance of 1.7 million miles.

### **ULA Selects Aerojet Rocketdyne Engines For Vulcan Centaur's Upper Stage.**

The Orlando (FL) Sentinel (5/11, Tribou) reported that United Launch Alliance (ULA) has selected Aerojet Rocketdyne's RL10 upper-stage engines for its Vulcan Centaur rocket over engines offered by competitor Blue Origin. ULA has not selected a supplier for Vulcan's first stage engines, and "Blue Origin and Aerojet Rocketdyne are still competing for that." According to ULA President and CEO Tory Bruno, ULA could "not be more pleased to have selected the proven and reliable RL10 to power our Vulcan Centaur upper stage." Orbital ATK also selected Aerojet Rocketdyne engines for the OmegA rocket's upper stage.

Space News (5/11, Foust, Subscription Publication) reported that the RL10C-X variant to be used on the Vulcan incorporates "improvements, like additive manufacturing of engine components, to improve its quality and affordability." An agreement reached between ULA and Aerojet "covers the delivery of engines over the next decade," and the companies pledged to jointly invest in engine development. Aerojet President and CEO Eileen Drake is

paraphrased as stating that the company was able to reduce the part content of a "copper thrust chamber for the RL10 by 70 percent through the use of additive manufacturing."

## MANUFACTURING

### Manufacturing Day 2018 To Focus On Skilled Worker Shortage.

In a press release, the [Manufacturing Institute](#) (5/11) reported that "Manufacturing Day (MFG) 2018 will occur on October 5 with expected record-breaking turnout." The article added that this year, "MFG Day will focus on one of the biggest problems manufacturers face – a shortage of skilled workers." The release also said that "MFG Day goes a long way to inspire the next generation to pursue rewarding manufacturing careers." The release quoted Manufacturing Institute Executive Director Carolyn Lee saying, "Manufacturing offers many promising career options for the next generation – often without the financial burdens of college debt – and these well-paying jobs are in an industry that is modern, optimistic and growing. Yet, too often, the very talented younger Americans who could make the most of these careers either don't know they exist or have the wrong idea about what a career in modern manufacturing might look like." Lee added, "That's why we organize MFG Day events across the country – to inspire the next generation of manufacturers so that they can gain access to the fulfilling careers they deserve, and to help manufacturers fill the more than 391,000 open jobs in manufacturing today."

## FRIDAY'S LEAD STORIES

- **FAA UAV Pilot Program To Run Around Two-And-A-Half Years.**
- **Uber CEO "Reasonably Confident" Company Can Begin Air Taxi Flights By 2023.**
- **Technical Issues Delay SpaceX Falcon 9 Block 5 Launch.**
- **GE Aviation Opens New \$200M Manufacturing Facility In Alabama.**
- **ED Civil Rights Data Show Minority-Majority High Schools Have Fewer STEM Courses.**

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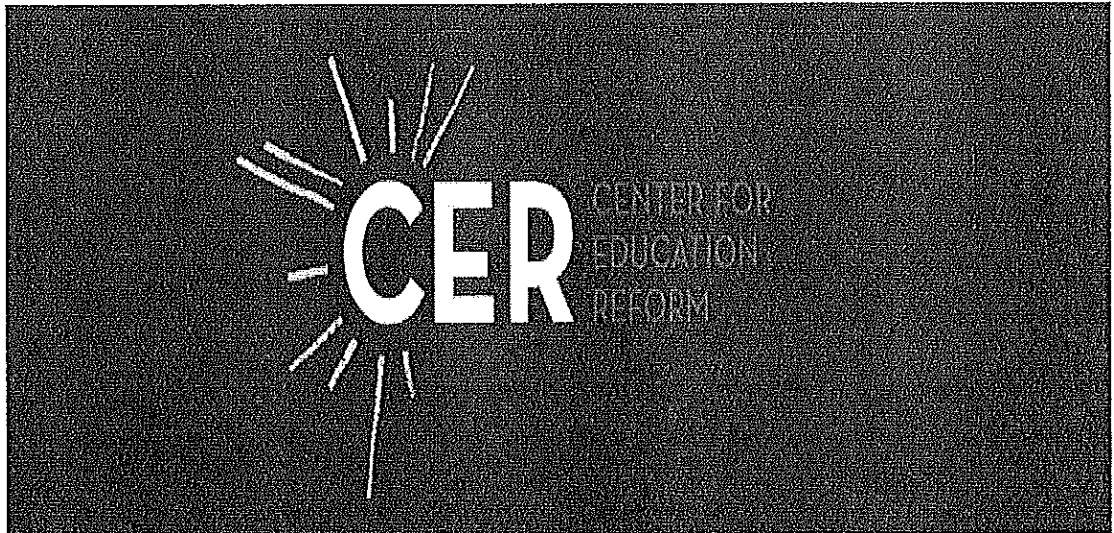
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# newswire@

A weekly report on education news and commentary you won't find anywhere else — from the nation's leading voice on education innovation and opportunity.

**PRIMARY DAY.** It's a great reminder of what's at stake, and a time for all to exercise their right to vote, not to mention their responsibility to know what it is they are voting for. A little civics knowledge courtesy of the Bill of Rights foundation might help you or your class, now and in the future to understand what it is we can all achieve if we focus on the issues. Let's start (and end) with education, a core function of any Governor. Today Texas, Georgia and Arkansas will nominate candidates for Governor to elect in November. In all, 36 states and 3 territories will elect state execs this year. Get to know what you should be asking and thinking now. CER's handy-dandy voter's



guide Education 50 is chock full of information to guide you and will be an up-to-date analysis of all major state races for November's final contests.

**MORE UNION DISSENT. This time in South Carolina.** Dubbed a "mobilization", the rally at least took place on a Saturday when the livelihood of the children was not at stake. Want more money and benefits? Teachers should get up to speed on what's really preventing that from happening. (Hint: It's not education reform).

**BAIT & SWITCH.** The media have been hoodwinked clearly by catchy surveys conducted by the Louisiana Federation of Teachers claiming a majority of teachers support their strikes and demonstrations. Take a look at this loaded question they used to stir the pot. Again, teachers should ask themselves, what has the union done lately to ensure that school spending reaches the classroom, to reduce their dues, to reduce pension costs, ensure that salaries not be topped off at the end of a teacher's career, and that greatness is rewarded, while mediocrity is not? The reality is that most teachers don't know how they are paid, or why.

# Louisiana Teacher Salary Satisfaction Survey 2018

School funding in Louisiana has remained stagnant for most of the last decade, and our teacher salaries are now about \$2,000 below the Southern regional average. Another budget crisis is looming, and yet our legislature has taken no steps to avert it.

In some states, teachers and school employees have acted to demand pay raises and better funding for schools. Actions in West Virginia, Oklahoma and Kentucky had positive results for educators.

Please complete this survey. Let the Louisiana Federation of Teachers know what you think about salaries in our state, and what you think will help correct the situation.

1. In general, how satisfied are you with your salary? (Please check one box)

Very satisfied ☐ Satisfied ☐ Neutral ☐ Dissatisfied ☐ Very dissatisfied ☐

2. Do you plan to participate in a strike if one is called? (Please check one box)

Yes ☐ No ☐ Maybe ☐

3. How do you feel about the current state of education in Louisiana? (Please check one box)

Very good ☐ Good ☐ Fair ☐ Poor ☐ Very poor ☐

4. How do you feel about the current state of the economy in Louisiana? (Please check one box)

Very good ☐ Good ☐ Fair ☐ Poor ☐ Very poor ☐

5. How do you feel about the current state of the environment in Louisiana? (Please check one box)

Very good ☐ Good ☐ Fair ☐ Poor ☐ Very poor ☐

6. How do you feel about the current state of the healthcare system in Louisiana? (Please check one box)

Very good ☐ Good ☐ Fair ☐ Poor ☐ Very poor ☐

7. How do you feel about the current state of the transportation system in Louisiana? (Please check one box)

Very good ☐ Good ☐ Fair ☐ Poor ☐ Very poor ☐

8. How do you feel about the current state of the criminal justice system in Louisiana? (Please check one box)

Very good ☐ Good ☐ Fair ☐ Poor ☐ Very poor ☐

9. How do you feel about the current state of the education system in Louisiana? (Please check one box)

Very good ☐ Good ☐ Fair ☐ Poor ☐ Very poor ☐

10. How do you feel about the current state of the education system in Louisiana? (Please check one box)

Very good ☐ Good ☐ Fair ☐ Poor ☐ Very poor ☐

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## SOME LA TEACHERS IN FAVOR OF STRIKE

## SURVEY SHOWS 61% SAY THEY'RE FOR A STATEWIDE WALKOUT

YOUR ORGANIZATION'S NEWS AND UPDATES

72° 10:07 PM

**WHEN THEY CAN'T WIN THEY SUE.** Repeated lawsuits initiated by the unions against the tiny Washington State charter school law are going to prevent more students like Jalen Johnson, an 11th-grader at Summit Sierra charter school in Seattle, from succeeding. Johnson told the crowd at a pro-charter rally that the commitment of his teachers helped turn him from an average middle-school student who had little thought of attending college to a thriving high-school junior who hopes to study urban planning at the University of California at Berkeley. "This is how every school should be." That's the same theme in Georgia in a news report about charter school graduates. "Public

school choice, in the form of successful, innovative public charter schools, helps struggling children thrive and graduate.”

**SPEAKING OF GRADUATES**, Michigan’s charter schools are forcing some who have long used flawed data to condemn Detroit charters to eat their words. Turns out that with struggle comes progress (as one of our friends would say). A dollar spent by a Detroit charter yields 2.5x lifetime earnings, according new a new report by the Mackinac Center. Indeed 8 of the 10 top high schools in Detroit for college enrollment were charter schools. Despite the good news, the Gubernatorial Democratic frontrunner in Michigan announced earlier this month his “war on charter schools.” Shri Thanedar is campaigning on a plan to ban most Michigan charter schools. His competitor Gretchen Whitmer is following his lead.

**ILLINOIS CHOICES UNDER ATTACK, TOO.** Political efforts motivated by stiff teacher union pressure threaten the elimination of the successful Invest in Kids Act program, despite its popularity and necessity. Empower Illinois received 24,000 applications as soon as its scholarship program went live, causing its website to crash, and is up to 50,000. The state tax credit program is decried by the teachers’ union because it’s a policy that supports educational alternatives. So as the unions work to pull teachers out of school they are also trying to stop kids from going to schools that meet their needs. Go figure.

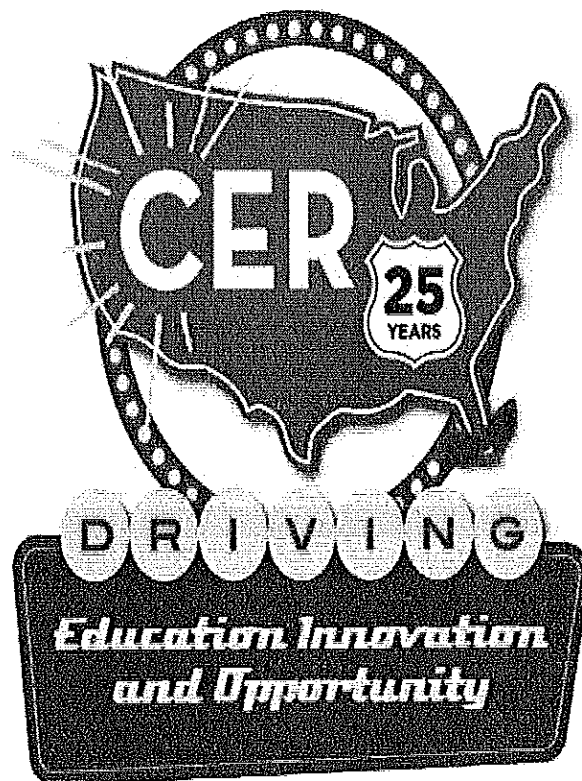
**FLORIDA DISTRICTS FIGHT** equality for kids while they deny charter public schools their equal right to property tax money.

**DESPITE FAILURE & SAFETY ISSUES**, the head of the National Education Association (NEA) is galloping into Kentucky to the fight proposed state takeover of Jefferson County Public Schools.

**LET US PRAY. THE MUCH-ANTICIPATED SCOTUS *JANUS v. AFSCME* RULING** in late June could mean a seismic shift for teachers’ unions. With the strong possibility of a ruling Mark Janus’ favor, releasing non-

union teachers from mandatory fees, the nation's largest teachers' union, the National Teachers Association (NEA) has announced a projected loss of 300,000 members over two years and accordingly, a proposed annual budget reduction of \$50 million. For more details and analysis on the case and how its outcome will affect all educators and students, listen to this Monday's Reality Check with Jeanne Allen with guest Colin Sharkey, executive vice president of the Association of American Educators.

Check out this week's Reality Check w/Jeanne Allen for an interview with North Carolina charter school leaders about the strikes and their prescription for success.



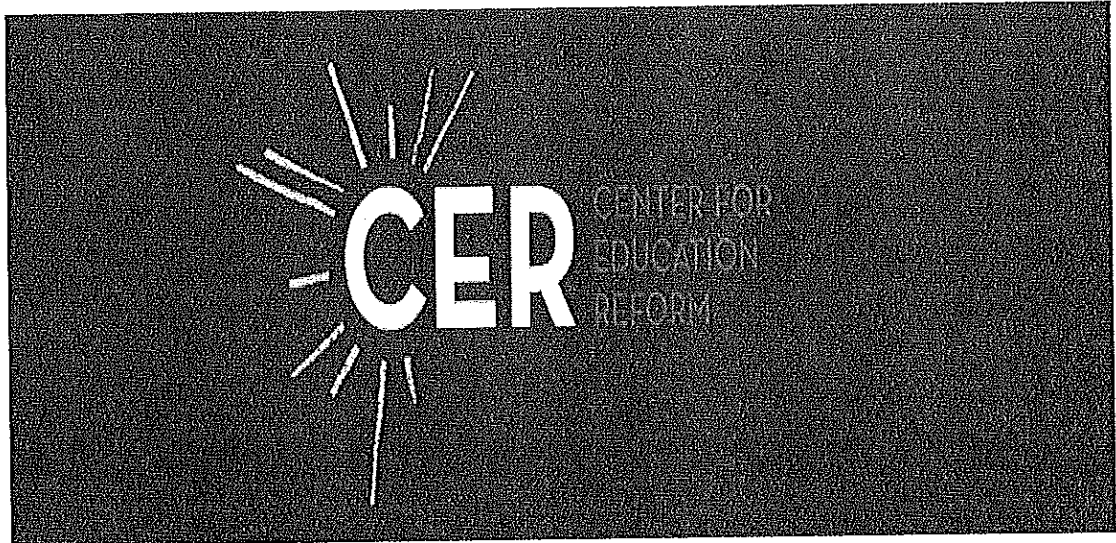
*Founded in 1993, the Center for Education Reform aims to expand educational opportunities that lead to improved economic outcomes for all Americans —*

*particularly our youth – ensuring that conditions are ripe for innovation, freedom and flexibility throughout U.S. education.*

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# newswire@

A weekly report on education news and commentary you won't find anywhere else — from the nation's leading voice on education innovation and opportunity.

**GUBERNATORIAL RACES PUT ED FRONT-AND-CENTER.** Who are the education innovation and opportunity candidates? With 36 gubernatorial races at stake, and CER's ED50 ramping up to serve you in the generals, your CER NEWSWIRE will highlight key races & what opportunity voters should know about each candidate from now until the final election day.

**CALIFORNIA.** In the Golden state, the front runner's gold is clearly the teachers unions, who endorsed Lt. Gov and former San Francisco Mayor Gavin Newsom because he says stuff like edreforms such as charters are an attack on public education. Antonio Villaraigosa believes in choice through charter

schools, which earned him the endorsement of California charter advocates and some of their biggest financial backers.

But the State's two leading Republican candidates are polling ahead of Villaraigosa. Businessman John Cox is pretty silent on education opportunity, and Assemblyman Travis Allen is a fierce advocate of educational choice. They are polling at 18 and 16 percent respectively ahead of Villaraigosa's 9%.

**GEORGIA.** The winner of May 22nd= 2s Democratic primary, Stacey Abrams says educational choice is "diversion of funds to private schools" that "[undermine] our government's responsibility." (Hmmm, you mean the responsibility to educate kids which they can't do in most states and communities, Stacey?)

The Republicans will run off Lt. Governor Casey Cagle and Secretary of State Brian Kemp in July both of whom have supported education opportunity. Kemp also supports military vouchers.

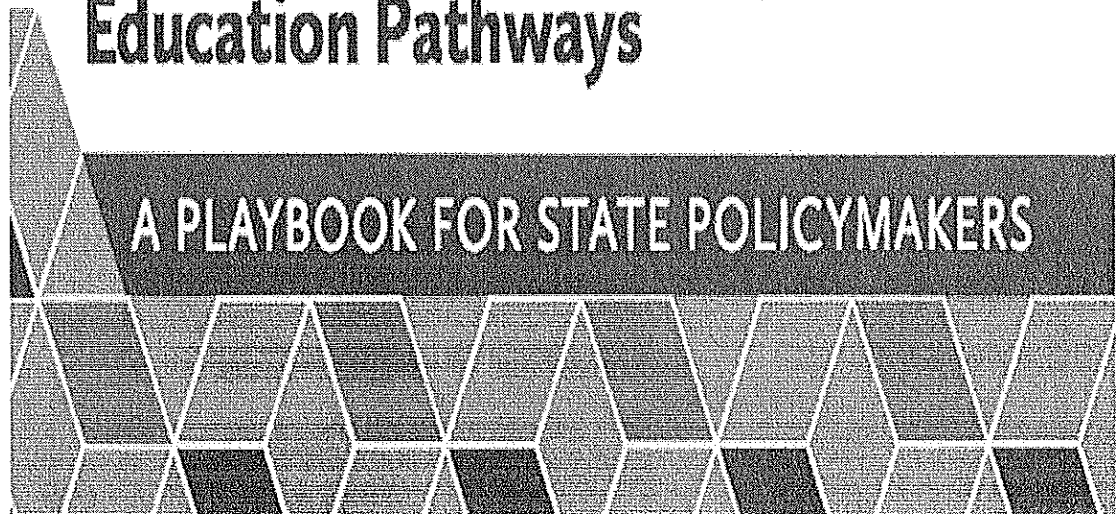
**UNIONS GEAR UP (BRACE) FOR JANUS.** The U.S. Supreme Court will deliver a decision in Janus v. AFSME sometime in June, and true to form, the American Federation of Teachers (AFT) is focused on how to mitigate membership losses that will be inevitable if the Court rules in favor of Janus. AFT says it will lose members (aww, darn) and is buying up advertising to scare people that this decision is terminal... for... exactly who? Imagine if those funds were given back to the teachers who can't make enough money in the prime of their lives thanks to A) the policies they lobby for and B) the dues they extract.

**GET THE DETAILS** with the latest Reality Check w/Jeanne Allen with guest Colin Sharkey, EVP of the Association of American Teachers, the largest non-union professional association for teachers. Colin is uniquely qualified to comment on the case and its implications for the public sector and the teaching profession. Mark Mix, the head of the National Right to Work

Legal Defense Fund, also talks about the case he helped to take all the way to the Supreme Court.

**EXCEL IN ED PLAYBOOK.** Shout out to the Foundation for Excellence in Education for producing the first-ever playbook for state policymakers defining the case for strengthening career and technical pathways through cross-sector partnerships. Let's strive to help learners at all levels, particularly those ill-served by traditional schooling all these years.

# Building Cross-Sector Partnerships to Support Career and Technical Education Pathways

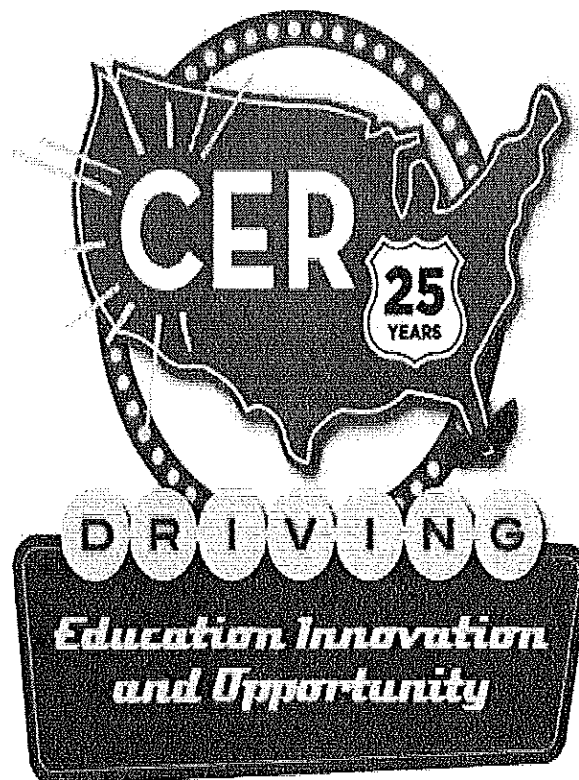


**STUDENT-CENTERED FUNDING IN NORTH CAROLINA?** Could a new funding model mean greater impact, and more money going to teachers students and classrooms in NC? The NC budget includes a 6-7% pay increase for teachers and principals, performance pay provisions for additional bonuses, increases for all education related growth and even includes a provision allowing property tax dollars to fund public schools or public charter schools



directly outside district lines. Consider the impact of this on teachers, who recently took to the streets to protest what they get paid. If money flows to schools, the potential for more and better funding opportunities for teachers is enormous. Think about it!

**JOIN US!** Recognized for their accomplishments in ensuring the creation and advancement of opportunities and innovation across the education landscape, the 8 honorees for CER's 25th Anniversary are change agents, innovators, and leaders of breakthrough options for learners at all levels. They will receive their awards and recognition for their unique accomplishments at the Center's Silver Anniversary Summit & Celebration, October, 25 – 26, 2018 in Miami, Florida, "The Road to Innovation for ONE America." Sit back and watch who's driving opportunity & innovation!



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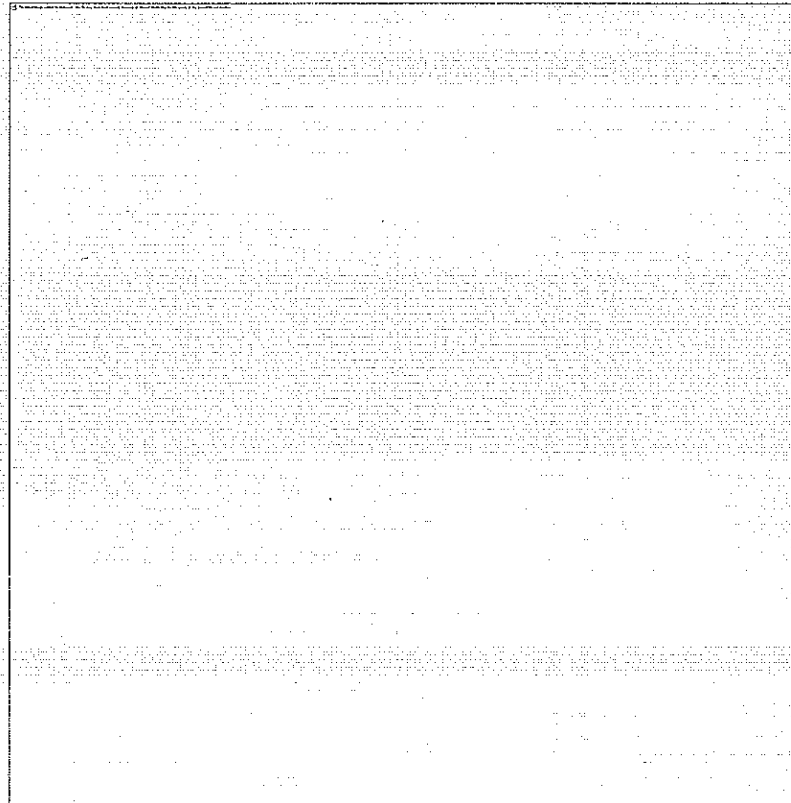
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**From:** Morning Consult

**Sent:** Monday, June 4, 2018 8:31 AM

**To:** Rep48

**Subject:** Morning Consult Washington: Giuliani Says Trump 'Probably Does' Have the Power to Pardon Himself



By Eli Yokley

## Top Stories

- Former New York City Mayor Rudy Giuliani, a lawyer for President Donald Trump, said the president "probably does" have the power to pardon himself. But, during an interview about special counsel Robert Mueller's investigation, Giuliani said Trump "has no intention" of pardoning himself, adding that the "political ramifications of that would be tough." ([ABC News](#))
- Trump's lawyers said in a confidential letter delivered to Mueller's office in January that the president cannot be compelled to testify in the special counsel's investigation, and that Trump could not have committed obstructed justice because he has authority over all federal investigations. Trump's lawyers fear he risks subjecting himself to accusations of lying to investigators if he answers questions voluntarily or in front of a grand jury. ([The New York Times](#))
- House Republican leaders are hoping to broker a deal this week that would allow floor votes on immigration measures controlled by the party's leadership, instead a series of contentious immigration votes that could be forced by moderate Republicans. Two more Republican signatures are needed to trigger the controversial votes via a discharge petition, assuming all House Democrats support the legislative maneuver. ([The Hill](#))

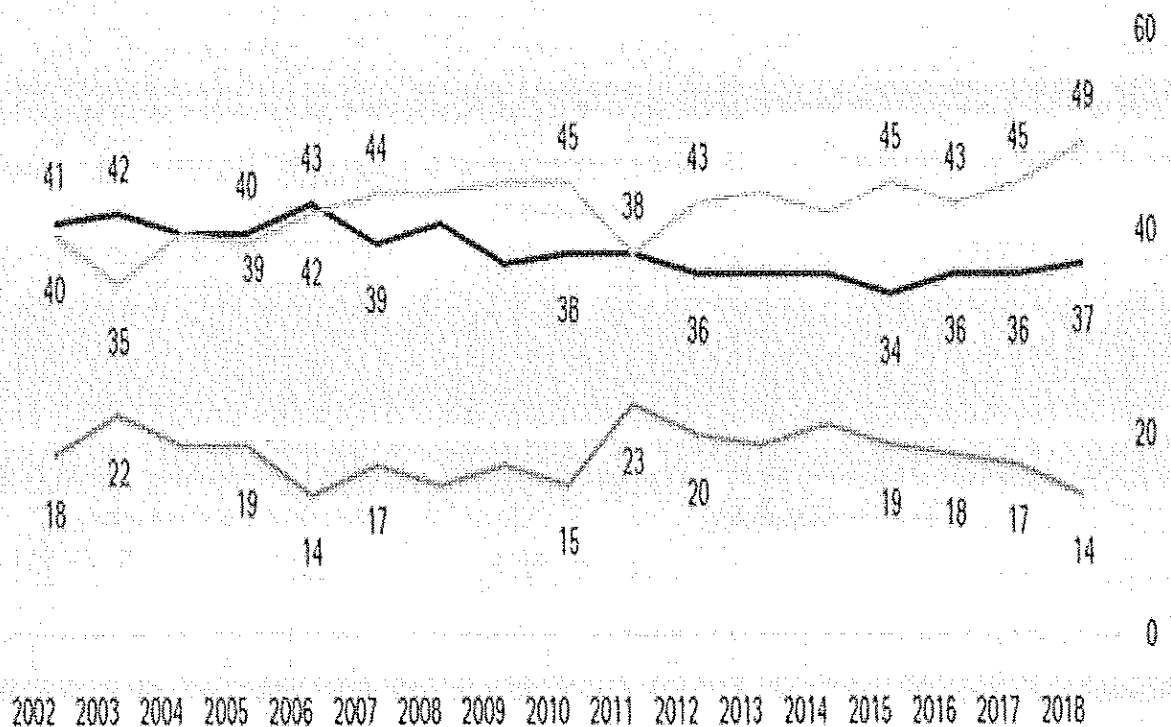
## Chart Review

**About Half of Americans Say U.S. Moral Values Are 'Poor'**  
**Gallup**

## Public Most Negative Since 2002 About U.S. Moral Values

How would you rate the overall state of moral values in this country today -- as excellent, good, only fair or poor?

■ % Excellent/Good ■ % Only fair ■ % Poor



## Events Calendar (All Times Local)

**MONDAY**

No events scheduled

## **TUESDAY**

<u>Sen. Warner participates in Axios event on tech</u>	8 a.m.
<u>ICE deputy director participates in National Press Club event</u>	9:30 a.m.
<u>Heritage Foundation hosts event on the Trump administration's strategy in Europe</u>	11 a.m.
<u>Montana governor participates in CAP event on money in politics</u>	12 p.m.
<u>Washington Institute for Near East Policy hosts event to discuss the Gulf's view of U.S.-Iran relations</u>	12:30 p.m.
<u>Heritage Foundation event on the potential U.S.-North Korea summit</u>	1:30 p.m.

## **WEDNESDAY**

<u>CEA's Hassett, OECD's Gurría speak at event on new survey on U.S. economy</u>	9 a.m.
<u>Sen. Sanders speaks at event hosted by The Washington Post</u>	9:30 a.m.
<u>HHS' Azar testifies at House Education and the Workforce Committee hearing</u>	10 a.m.
<u>House Oversight and Government Reform subcommittee hearing on ending U.S. involvement in the Iran nuclear deal</u>	2 p.m.

## **THURSDAY**

DOT's Chao, Sens. Blunt and Cantwell speak at Washington Post event

8:30  
a.m.

Arizona governor participates in AEI event on the opioid crisis and foster care families

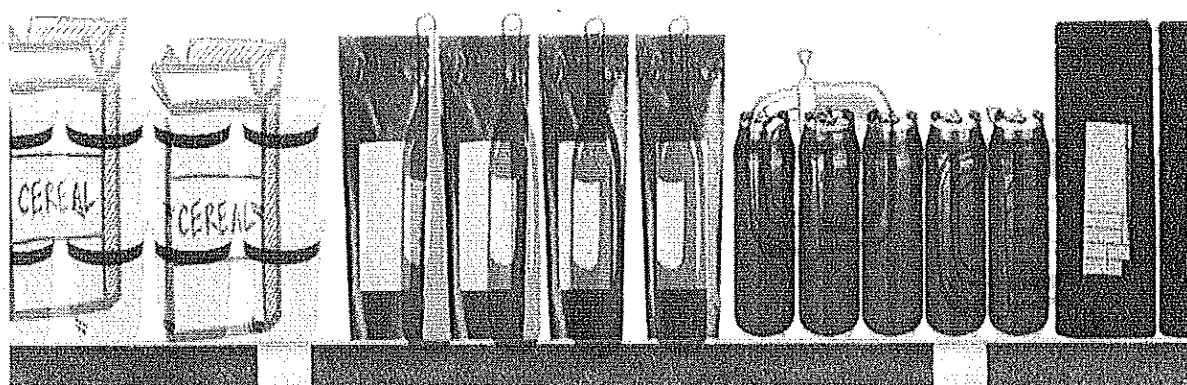
8:55  
a.m.

Commerce Under Secretary Gilbert Kaplan discusses trade policy at WITA event

2 p.m.

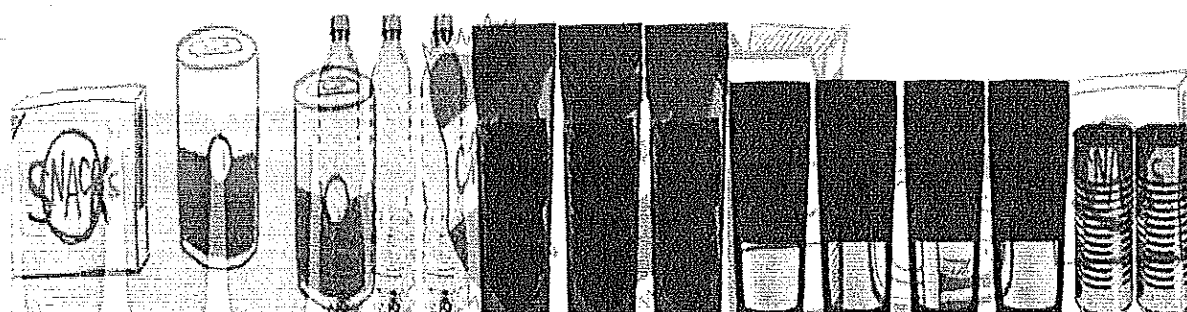
#### **FRIDAY**

Heritage Foundation event on U.S.-Indonesia relations 10 a.m.



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## **General**

### **Pentagon to take over security clearance checks**

**Lolita C. Baldor, The Associated Press**

The Defense Department is poised to take over background investigations for the federal government, using increased automation and high-tech analysis to tighten controls and tackle an enormous backlog of workers waiting for security clearances, according to U.S. officials. The change aims to fix a system whose weaknesses were exposed by the case of a Navy contractor who gunned down a dozen people at Washington's Navy Yard in 2013.

### **Iran calls on world to stand up to Trump, save nuclear deal**

**Bozorgmehr Sharafedin, Reuters**

The world should stand up to Washington's bullying behavior, Iran's foreign minister was quoted as saying on Sunday by state media in a letter to counterparts, as the top diplomat intensifies efforts to save a nuclear deal after a U.S. exit. U.S. President Donald Trump pulled out last month from the 2015 accord between Iran and world powers that lifted sanctions on Tehran in exchange for curbs to its nuclear program.

### **Joe Biden steams into midterm campaigns as 2020 question looms**

**Mike Memoli, NBC News**

There are two questions Joe Biden just can't avoid most days: When can you campaign for me? And what are you doing in 2020?

### **Business economists worry about possible recession in 2020**

**Martin Crutsinger, The Associated Press**

A group of top business economists believes the major tax cuts President Donald Trump pushed through Congress will give a significant boost to

economic growth this year and next year. But they worry that by 2020, the country could be entering a new recession.

## **Presidential**

### **President Trump 'probably does' have the power to pardon himself: Giuliani**

**Morgan Winsor, ABC News**

President Donald Trump's personal attorney said the commander-in-chief "probably does" have the power to pardon himself. In an interview Sunday with ABC News Chief Anchor George Stephanopoulos on "This Week," Rudy Giuliani discussed special counsel Robert Mueller's investigation of whether the president may have tried to obstruct justice in the probe of Russian efforts to interfere in the 2016 U.S. presidential election.

### **Giuliani: Trump Could Have Shot Comey And Still Couldn't Be Indicted For It**

**S.V. Date, Huffington Post**

Candidate Donald Trump bragged that he could shoot someone on New York's Fifth Avenue and not lose any support, and now President Donald Trump's lawyer says Trump could shoot the FBI director in the Oval Office and still not be prosecuted for it. "In no case can he be subpoenaed or indicted," Rudy Giuliani told HuffPost Sunday, claiming a president's constitutional powers are that broad.

### **Trump's Lawyers, in Confidential Memo, Argue to Head Off a Historic Subpoena**

**Michael S. Schmidt et al., The Washington Post**

President Trump's lawyers have for months quietly waged a campaign to keep the special counsel from trying to force him to answer questions in the investigation into whether he obstructed justice, asserting that he cannot be compelled to testify and arguing in a confidential letter that he

could not possibly have committed obstruction because he has unfettered authority over all federal investigations. In a brash assertion of presidential power, the 20-page letter - sent to the special counsel, Robert S. Mueller III, and obtained by The New York Times - contends that the president cannot illegally obstruct any aspect of the investigation into Russia's election meddling because the Constitution empowers him to, "if he wished, terminate the inquiry, or even exercise his power to pardon."

**President Trump Orders Help For Coal And Nuclear Plants**  
**Jeff Brady, NPR News**

President Trump has ordered Energy Secretary Rick Perry to take immediate steps to help financially troubled coal and nuclear power plants. A draft plan marked "confidential" is being circulated around Washington.

**White House plans to nominate conservative documentarian,**  
**Bannon ally, to lead government media agency**  
**Hadas Gold, CNN**

President Donald Trump will nominate a conservative documentarian and Stephen Bannon ally to lead a large government agency that creates and distributes news to more than one hundred countries. Late Friday, the White House announced its intent to nominate Michael Pack, a former president of the conservative Claremont Institute, to lead the Broadcasting Board of Governors.

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## **Senate**

**Senate Republicans Are Newly Hopeful About the Midterms.**  
**For Good Reason.**  
**Jonathan Martin, The New York Times**

After a turbulent first year confronting friendly fire from President Trump, Senate Republicans are entering the summer before the midterm

elections feeling more hopeful about retaining their narrow majority than at any time since the president's election. And for good reason.

**GOP senators need an agenda - so they're doing a poll**  
**John Bresnahan and Burgess Everett, Politico**

Republican senators aren't sure what to do between now and the November election. So they're conducting a poll - of themselves.

**Jon Tester, a Democrat in Deep-Red Montana, Isn't Sweating Trump's Threats**  
**Nicholas Fandos, The New York Times**

Under a nearly cloudless sky on the sun-speckled northern prairie last Tuesday, Jon Tester, this state's senior senator, had his hands deep inside a 25-year-old grain auger. In Washington, the White House was letting it be known that President Trump was planning a summertime blitz against Democrats running for re-election in states that he had won, a tour that would surely bring him to Montana, where the president's margin was 20 percentage points.

**State GOP facing test by backing Leah Vukmir in US Senate primary**  
**Mark Sommerhauser, Wisconsin State Journal**

The Republican Party of Wisconsin is putting its organizational muscle behind its chosen candidate for U.S. Senate, Leah Vukmir, even as her well-funded GOP opponent, Kevin Nicholson, vows to prevail in the Aug. 14 primary. History suggests Nicholson, a Delafield management consultant and political newcomer, has a tough challenge to oust the party favorite in Vukmir.

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## House

**This week: GOP faces make-or-break moment on immigration**  
**Jordain Carney and Melanie Zanona, The Hill**

House Republicans are facing a make-or-break moment on immigration as they return to Washington this week. GOP members will huddle in the Capitol on Thursday for a two-hour conference meeting designed to reach a consensus on the hot-button issue.

**Majority Leader McCarthy defends Trump tariffs**  
**Jacqueline Klimas, Politico**

House Majority Leader Kevin McCarthy on Sunday defended the administration for leveraging tariffs on close allies as "standing up" for free trade. "We are in the middle of a trade discussion. Nobody wants to be in a trade war. Nobody wins a trade war," the California Republican said on CNN's "State of the Union."

**In Race to Succeed Paul Ryan, More Names Pop Up**  
**Kristina Peterson, The Wall Street Journal**

House Majority Leader Kevin McCarthy and Majority Whip Steve Scalise are the lawmakers to beat to replace the departing House Speaker Paul Ryan. But their status as the frontrunners to succeed Mr. Ryan, who plans to leave office in January, hasn't quelled chatter on Capitol Hill of who else might become a contender.

**Distillery owner Denver Riggleman wins GOP nomination to replace Garrett on Virginia congressional ticket**  
**Graham Moomaw, Richmond Times-Dispatch**

Virginia distillery owner Denver Riggleman on Saturday won the Republican nomination to replace retiring U.S. Rep. Tom Garrett, R-5th, on the ballot in November, capping a chaotic week after Garrett abruptly announced he'll step down and seek treatment for alcoholism. Riggleman, who ran a libertarian-flavored campaign for governor last year but dropped out before the GOP primary, may have saved the Republican establishment's hopes of holding the 5th District, which runs

through the middle of the state from the Northern Virginia exurbs to the North Carolina border.

### **Lujan Grisham misstated her income in 2013 financial disclosures**

**Rachana Pradhan, Politico**

Rep. Michelle Lujan Grisham earned more from her role as co-owner of the company that runs New Mexico's high-risk insurance program than she stated on her congressional financial disclosure forms for 2013, according to a review of the report and newly released tax returns. In annual financial disclosures required for members of Congress, Lujan Grisham initially reported receiving between \$50,001 and \$100,000 in dividends in 2013 from the Delta Consulting Group, which she co-founded in 2008 with a political ally who went on to get elected to the New Mexico Legislature.

### **The Battle for the House Hits the Shores of Southern California**

**Bridget Bowman, Roll Call**

The battle for control of the House has landed in California, and it's partly because of voters like Deborah and Wyatt Carr. Deborah, 69, was not registered with a party, and Wyatt, 73, was a longtime Republican.

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## **States**

### **Rep. Sean Patrick Maloney poised to enter attorney general race**

**Rebecca C. Lewis, City & State New York**

Rep. Sean Patrick Maloney is "getting ready" to enter the race for New York attorney general and plans to make an announcement about it early next week. In a Friday interview with City & State, referring to being openly gay, Maloney said he hopes to "make some history" and to "build a broader consensus about positive change."